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ABSTRACT

Designed for students, educators, and citizens interested in human rights, the booklet presents resources for learning about the facts, perspectives, and existing procedures and institutions to promote human rights. Chapter one explores the relationship between human rights and war. Chapter two presents a self-survey to help readers clarify personal values; a discussion of 49 common questions about human rights; and an examination of the compatibility of social and cultural rights with civil and political rights. In chapter three, transcripts of speeches by government representatives from the United States, Communist world, Third World, and the United Nations offer various perspectives on foreign policy goals and attitudes toward human rights. A detailed analysis of the International Bill of Rights comprises chapter four. Chapter five indicates the international human rights instruments which have been ratified by various countries, and reveals the limited relationship between ratification and enforcement. Chapters six and seven suggest improvements for existing institutions for human rights. Chapters eight and nine examine ways to achieve religious liberty and to improve human rights education. Chapter ten identifies films, books, periodicals, organizations, and activities to help readers become involved in promoting human rights. (Author/AV)

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International Human Rights Kit

Robert Woito, Editor

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How to Use this Kit: A Note to the Reader

This Kit is intended for students and citizens interested in human rights. It provides the reader with resources for learning about the facts, about contending perspectives and about the existing procedures and institutions designed to promote human rights. In addition, proposals for reforming existing procedures and institutions are included as are possibilities for actions. It is hoped that you will use these resources to aid in the promotion and enjoyment of human rights.

This kit is intended to be read selectively.

It is suggested that the reader first turn to the "Self-Survey," and use it to clarify what values and goals brings him or her to the problem of promoting international human rights. Then turn to the U.S. Bill of Rights with which you are familiar and take one or more of the rights listed there and trace their definition through the Universal Declaration of Human Rights, the two Covenants and the Rights of a Child.

This can easily be done for you with the problem of religious liberty as the relevant articles concerning religious liberty are marked throughout.

Next study the Questions and Answers section before turning to the differing perspectives on what blocks the way to the broader enjoyment of these rights. Both the introductory essay (Chapter I) and all of the essays in Chapter II provide different answers to the question of what are the obstacles to advancement.

When you have read through Chapter IV, you should have a good understanding of the facts, contending perspectives and basic human rights documents. Chapter V indicates which of the international human rights instruments have been ratified by what countries and suggests that there is little or no relationship between the ratification of such instruments and their enforcement. Chapter VI explains both what procedures and institutions exist to promote human rights and, by implication, why they are not very successful today. Chapter VII then suggests a large number of ways in which existing procedures and institutions could be reformed to improve their capacity for protecting and promoting human rights.

Chapter VIII focuses on the problem of religious liberty although the problem of torture, terrorism, racial discrimination or others could easily serve as a specific problem. Resources on such other problems are provided in the bibliography. Additional resources for study and action are included in the "Human Rights Education" and the "Resources for Action" chapters.

All of these resources have been compiled in the belief that human rights conceptions are of central importance to our collective survival in the remaining years of the 20th Century. Human rights violations, whether in the form of genocide or racial discrimination or economic deprivation, threaten us all as does the institution of war. Human rights violations do threaten us all because we live in a time when it is possible to create a world community; indeed, much of contemporary politics can be interpreted as the preliminary struggle for influence or control in such a community. Human rights issues are thus urgent because they are the area in which the terms of acceptable participation in such a world community are being defined. Whether you accept such an assumption now, or only want to stop one person from torturing another person, these resources will be of assistance. But surely the values which lead you to see torture as wrong, also lead you to consider why so many heads of states resort to torture and why so many opposition movements resort to terror.

Each of the chapters of the kit includes resources of aid in answering these questions:

Chapter I What is the relationship between the promotion of international human rights and the institution of modern war?
Is war an appropriate means for the promotion of human rights?
What non-military means are there available to promote international human rights?

Chapter II What are the common questions asked about international human rights and how can they be answered briefly?
Are civil and political rights, such as defined in the U.S. Bill of Rights, compatible with social, economic and cultural rights?
Is the human rights movement seeking to impose the values of Western Civilization on other Cultures?

Chapter III What should U.S. foreign policy goals be in this field?
What attitudes toward human rights prevail in countries with political systems like the Soviet Union or Cuba?
Is the U.N. still an effective institution for the promotion of international human rights?
Do the countries of Asia, Africa or Latin America have an acute human rights problem?

Chapter IV What is the International Bill of Rights?

Chapter V *Which human rights instruments have been ratified by what countries?*
Has ratification influenced performance?

Chapter VI What are the existing institutions and procedures which are designed to promote the enjoyment of human rights?

Chapter VII *What proposals are there for improving the performance or reforming current human rights institutions and procedures?*

Chapter VIII How can religious liberty be achieved?

Chapter IX *How can human rights education be improved?*

Chapter X What can I do?

It is suggested that you refer to these questions before reading each chapter. Your suggestions for improving this kit would be welcomed.

Robert Woito
Editor

Chicago, 1977

. . . we must treat others
as we wish to be treated by them,
and must persist until death in doing good to our
enemies, regardless of unworthiness and ingratitude.
For we must be at war with evil,
but at peace with men,
and it is better to suffer than to commit injustice.

Lord Acton, 1877

TABLE OF CONTENTS

How to Use this Kit: A Note to the Reader

Table of Contents

I. Introductory Essay: Human Rights and War, Robert Woito 1

II. Facts and Values

a. International Human Rights: A Self-Survey ... 7
b. Questions and Answers on Human Rights, 11
c. Economic, Social and Cultural Rights and Civil and Political Rights: What is their relationship? 21
d. The Limits of Cultural Relativism 21

III. Contending Perspectives

a. Toward a U.S. Policy
1. "An Appeal for a World-Wide Amnesty," Daniel P. Moynihan, November 12, 1975.. 23
2. "Human Rights: Let's Mean What We Say," William W. Scranton, November 24, 1976 26
3. President Carter's First Speech to the United Nations, March 17, 1977 29
4. "Human Rights Policy," Secretary of State, Cyrus Vance, April 30, 1977..... 32
5. Reasons For Not Ratifying 36

b. From the Communist World
1. "The United States and Human Rights," Juana Berges, Granma (Cuba), March 21, 1977 38
2. "The European Socialist States and Human Rights," Bernard Jarzynka, 1973..... 39
3. "Social Progress and Human Rights," Moscow Peace Congress, 1973..... 41
4. A Dissent: "By Bread Alone?", A Well-Fed Slave is a Well-Fed Slave.", Andrei Amalrik, March 3, 1977 43

c. About the "Third World"
1. "The Fate of Human Rights in the Third World," Rubert Emerson, reprinted from *World Politics*, January 1975 . 44

d. At the United Nations
1. "The United Nations and Economic, Social, and Cultural Rights: The Role of Non-Governmental Organizations," James F. Green, March, 1977 64
2. "The U.N.'s Double Standard on Human Rights," William Korey, *Washington Post*, May 22, 1977..... 71

IV. The International Bill of Rights

a. The U.S. Bill of Rights, 1791..... 75
b. The French Declaration of the Rights of Man and Citizen, 1793 75
c. Fundamental Rights and Duties of Citizens, 1935 Constitution of the Soviet Union 76
d. The Nuremberg Principles..... 76
e. Excerpts from the United Nations Charter, 1945 77
f. Universal Declaration of Human Rights, 1948 78
g. International Covenant on Economic, Social and Cultural Rights, 1966 80
h. International Covenant on Civil and Political Rights, 1966 83
i. Optional Protocol to the International Covenant on Civil and Political Rights, 1966 . 90
j. Convention on the Prevention and Punishment of the Crime of Genocide, 1948 92
k. International Convention on the Elimination of all Forms of Racial Discrimination 93
l. Declaration on the Elimination of Discrimination Against Women 99
m. Helsinki Accords..... 101
n. U.N. Declarations on Torture..... 107
o. Summary of Selected Human Rights Conventions 109
p. List of International and Regional Human Rights Instruments 110

V. Ratification and Performance

a. Status of Multilateral treaties in the field of Human Rights 112
b. New Criteria of Freedom and The Map of Freedom, Raymond Gastil 118

VI. Existing Institutions and Procedures

a. The United Nations Human Rights Agencies 121
b. Regional Human Rights Agencies 123
c. Procedures for filing a Human Rights Complaint..... 124

VII. Proposals for Reform

a. The United States and Human Rights: A Call for Leadership, Donald Fraser and House Subcommittee..... 128
b. Court of Man, Gerald Gottlieb 132
c. A U.N. Commissioner, Costa Rica 133
d. World Habeas Corpus, Luis Kutner 134
e. Principal Policy Recommendations, Comm. to Study Organization of Peace... 138
f. Summary of Proposals, International League for Human Rights, 1977 144
g. Peace Initiatives, Robert Woito..... 150

VIII. Religious Liberty

a. 58 Words, Two Commas, Snail Like Motion toward a U.N. Declaration for Religious Freedom, Homer Jack 154
b. The Human Rights Commission at Geneva, Homer Jack 162

IX. Education for Human Rights

a. Education for Human Rights, Marnie Clark 168
b. Teaching About Human Rights, Helen Garvey 172
c. Recommendation concerning Education for International Understanding, Co-Operation and Peace relating to Human Rights and Fundamental Freedoms, UNESCO, 1974..... 174
d. Declaration of the Rights of a Child, 1959..... 181

X. Resources for Action

a. But What Can I Do? A Citizen's Guide..... 182
b. Films on Human Rights 183
c. Decision-Makers on Human Rights..... 184
d. International Human Rights: An Annotated Bibliography 185
e. Human Rights Periodicals..... 190
f. Human Rights Organizations 191

I. Introductory Essay: Human Rights and War, Robert Woito

[Anyone]...not blindly prejudicial cannot but admit that the ordinary man and woman, unless they should be caught up in a murderous field of war [emphasis added], are capable of securing a richer life then their ancestors . . . It is the one truth of history — that the condition of mankind has improved, materially alas more than morally, but nevertheless both have improved.

J.H. Plumb, The Death of the Past (1970)

The earth today is like a field of war, not yet murderous in every acre. It is, in part, because indifference to the human rights of one's political enemies is often one of the unstated assumptions of world politics.

Indifference to the rights of others has not usually been considered a condition of our own survival. At the end of World War II, as the extent of Nazi atrocities became widely known, it was recognized that gross violations of human rights constituted a grave threat to mankind. An international human rights movement developed which sought to prevent the reoccurrence of the specific evils which Nazi Germany had embodied. Thus the victorious states sought to make an example of Nazi Germany and Imperial Japan, trying and either executing or imprisoning their top leadership as war criminals. The tribunal hoped to transcend power politics although no allied leaders were tried for possible crimes committed in the conduct of war. The fire-bombing of Dresden, the nuclear attacks on Hiroshima and Nagasaki were justified as being necessary to save lives. If so, modern war cannot be fought without violating the Geneva conventions for the conduct of war.

The United Nations was created by the same allied powers to aid in preventing another world war. The U.N. would ban forever the scourge of war, apparently made unthinkable even before the advent of nuclear weapons. The U.N. was designed to promote human rights and thus remove one of the reasons for war. The U.S. delegation led in drafting and then in advocating the Universal Declaration of Human Rights adopted in 1948. (The text is reprinted on pp. 78 to 80). Later, special commissions were set-up to draft specific covenants and conventions to implement the general principles of the declaration. But by the time the covenants were prepared, the U.S. had abandoned its leadership in the human rights field.[1]

In 1965 the Covenants on Economic, Social and Cultural Rights (reprinted on pp. 80 to 83) and on Civil and Political Rights (see pp. 83 to 89) were completed. By 1976 each had received enough ratifications to be considered in force. Neither has been ratified by the U.S., although President Carter, in his first United Nations speech, committed his administration to submit them to the Senate for its advice and consent to ratification. Although more than twenty conventions have been prepared (see the list on pp. 109 to 110), only the Conventions against Slavery, on the Political Rights of Women and on Refugees have been ratified by the U.S..

But even the countries which have ratified the covenants and conventions have rarely altered their practices or adopted measures to make them effective. And worse, the United Nations General Assembly has become more a mirror of the politics of national leaders than a restraint on their violations of human rights. Only the enemies of the new majority in the General Assembly are accused of human rights violations (see William Korey, "The U.N.'s Double Standard on Human Rights," pp. 71 to 74). To date, the U.N. Commission on Human Rights has refused even to consider human rights violations in Uganda and in numerous Communist Countries.

Today international human rights have few principled friends. Only recently did the U.S. Government take renewed interest in the subject. Patrick Moynihan broke with Henry Kissinger's belief that there was little one country could practically do to influence the enjoyment of human rights in another country (see Moynihan's appeal for world-wide amnesty for non-violent political prisoners pp. 23 to 25). What could be done, Kissinger argued, had to be done quietly. Moynihan, however, sought to provide an ideological justification of Western Civilization and to use that justification to blunt criticism of the United States in international forums. Subsequent statements of governmental policy by William Scranton (pp. 26 to 28), Sec. of State Cyrus Vance (pp. 32 to 35) and President Carter were softer in tone and broader in their conception of what constitutes a human right. And a government policy testing

[1] See Vernon Van Dyke, *Human Rights, the United States and World Community* (New York: Oxford University Press 1970) and Louis Sohn, *The United Nations and Human Rights* (New York: Commission to Study the Organization of Peace 1968) concerning the early role of the U.S. and its abandonment of the International Human Rights movement in the 1950's.

whether these new human rights goals can be achieved was stated in Carter's U.N. address (pp. 29 to 31) and has guided a number of policy choices.

Nonetheless there is considerable skepticism in governmental circles and among American opinion makers, whether the new policy can long be adhered to. The problem is not just of the gap between the government and the people. The human rights initiatives have enjoyed broad popular support. The problem is that there are in the world fundamentally different views about what constitutes a human right and about how they can best be realized. (See for example, the paper by a Polish Jurist, Bernard Jarzynka, entitled "The European Socialist States and Human Rights," reprinted on pp. 39 to 49). These differences are institutionalized in different nation-states which seek security through ever-increasing military power. It is the dynamics of the arms race, not human rights questions, which are the prevailing reality today. It is the achievement of power through violence by one ideological group or another, not the acceptance of human rights ground rules for contesting who shall govern and who shall be the loyal opposition, which is the overriding behavior. (See among others Rubert Emerson's "Human Rights in the Third World", pp. 44 to 63). Thus, given a choice between detente diplomacy and an accurate assessment of civil and political freedom in the U.S.S.R., the human rights issue is not likely to be pressed very far. How far will allies be pressed on human rights issues if they are needed for strategic reasons? Not far, unless an informed American citizenry insist that human rights issues are crucial and they aid in defining a policy which resolves the security issues.

The counter-attack has already been fierce. (See the essay by Juana Berges reprinted from Granma, pp. 38 to 39) Brazil, denied arms because of human rights violations, obtains them from the Soviet Union. The most effective advocates of human rights appear now to be non-governmental organizations (NGO's) such as Amnesty International and Regional organizations, such as the European Commission on Human Rights. (see pp. 123 to 127) But the resources of NGO's and the people reached by the European Commission and the similar Inter-American Commission are small. Thus, while one can applaud the renewed interest in human rights in government circles and be encouraged by the recent growth of Amnesty International and other NGO's, the fact remains that few defend the rights of their political enemies.

That, in itself, is not new, as Acton noted long ago:

At all times sincere friends of freedom have been rare, and its triumphs have been due to minorities, that often prevailed by associating themselves with auxiliaries whose objects often hindered their own; and this association, which is always dangerous, has been sometimes disastrous, by giving to opponents just grounds of opposition, and by kindling dispute over the spoils in the hour of success.

Today many protest the abuses suffered by their friends and allies or by the enemies of their enemies. But principled advocacy requires more than the expediency of the moment. A few tests of principled friendship of international human rights are not hard to produce. Asking these questions can help clarify the issue:

1. Does a human rights advocate apply the same standards across the political spectrum?
2. Are human rights violations in one's own society a part of the concern?
3. Are those accused of violating others' human rights given a chance to reply?
4. Does the advocate seek to establish legal institutions and procedures for ending the type of abuse at issue, not just the specific occurrence?
5. Does the human rights advocate reject the use of violence in the pursuit of human rights?

These questions are rarely asked.

As a result, the enjoyment of human rights has probably deteriorated. In 1968, on the 20th Anniversary of the signing of the Universal Declaration, William Korey remarked:

. . . those non-governmental agencies working to protect individual human rights in general agree that the Universal Declaration has not resulted in violations of human rights being sufficiently reduced, either in number or seriousness.

In 1977, that is almost an optimistic statement. Human rights violations have gotten worse and are growing according to Freedom House. (see pp. 118 to 120) Amnesty International has demonstrated that the systematic use of torture, the murder or suppression of political opponents — in short, the violation of the basic guarantees on which government by consent can grow — is increasing. In addition, advancement toward the economic circumstances, the level of literacy and educational achievement, which could make the enjoyment of human rights more meaningful, has been slow. The poorest third of mankind, almost irrespective of what nation they live in, has been left out.

Why is it that in a time when some 148 nation-states have signed the United Nations' Charter, and thus accepted an obligation to promote human rights, the practice in most states in appalling and getting worse?

Answers to this question will, no doubt, reflect the ideological controversies of our age. Some will argue that it is the growth of centralized national authority within both the newly emerged and the old states which accounts for the current deterioration. Others will point to the spread of Communism which, whatever the national variation, has uniformly brought with it to date, the denial of civil and political rights to non-party members. How else can you combat such an ideology, some then ask, when justifying their own violations of human rights. Another will point to the U.S.'s own short-comings, particular in the treatment of racial and ethnic minorities, and sometimes combine that perception with a critique of the prevailingly capitalistic U.S. economy as being the cause of our failures. Others argue that the growing human rights violations are a result of the U.S. abandoning leadership in the field, thus allowing American economic, political and military interests to dominate its engagement in world politics. Finally, some will argue that we live in a world growing more interdependent, a world in which different cultural, political, religious and economic concerns penetrate and threaten each other, and as a result, social life will remain a kind of war of all against all until we either destroy ourselves or find the basis of a new political community.

The introductory materials, the documents and the proposals in this kit are designed to aid you in improving the enjoyment of human rights. You will no doubt need to consider such viewpoints as those summarized above and decide what stands in the way of the broader enjoyment of human rights. Is it, as the above views imply, the relationship between the individual and the state, or the conflict between democracy and communism, or capitalism and socialism, or between rich and poor? Is it the prevalence of nationalism in a time when nations regularly interpenetrate and to some extent are interdependent upon each other? There is a vast body of literature on each of these subjects, some of which is introduced in the bibliography (pp. 183 to 187). But little has been written about what seems to me the central obstacle to the advancement of human rights: the institution of modern war.

Human Rights and War

In our time the politics of war or preparation for war have prevailed over the politics which protect human rights. The dilemma is, in part, that national governmental authority is today the instrument of conflict resolution and human rights promotion within states; but a primary duty of any national government is to secure the state against its enemies. That security has been sought through armaments, war, murder, and covert or overt intervention into the affairs of other states. States and those contending for state power resort to terror. States attempt to justify the denial of their citizens' rights by the claim that this is necessary to maintain domestic order or defend the state against other powers.

The politics of war or preparation for war prevail between states; they also penetrate politics within states. In many nations, power struggles between ideologies, ethnic groups, religions and creeds are waged with violence rather than by political means. Human rights conceptions transcend ideologies and provide the only moral basis from which such contending claims can contest without violence. When such conceptions are pushed aside, no minority can feel secure when the power of the state is captured by others. If murder and suppression of opponents is the practice, then the struggle for power through violence is almost justified in the name of self-defense.

It is not, as some contend, that the value of liberty is no longer cherished. Those who refuse liberty to others, treasure it for themselves. But extending the blessings of liberty to our enemies is essential if we are to move toward a world without war.

Despite the origins of the modern international human rights movement in the desire to prevent another conflict like World War II, many advocates of human rights today are calling for war as the means to advance human rights. The denial of human rights in Southern Africa, for example, is presented as a justification for war. And so both the victims of human rights violation there and those committing such violations are prepared for or engaging in war. Although no one with a moral sense would apply exactly the same judgment to both the victims and the violators, one must still reject the means and call for non-military means of ending apartheid and moving toward representative government.

A political climate conducive to war has been aided by those seeking to end human rights violations. Even the United Nations General Assembly has endorsed violence as a solution in Namibia. There are few advocating means capable of advancing the human rights of all in the area.

Humanitarian Intervention: With what means?

In the past, gross violations of human rights have been considered justifications for armed intervention into other states. E. C. Stowell cites a time when some 200,000 Armenians were killed in Turkey between 1890 and 1913. In such circumstances, Stowell argues:

It is justifiable to rely on force . . . to protect the inhabitants of another state from treatment which is so arbitrary and persistently abusive as to exceed the limits of that authority within which the sovereign is presumed to act with reason and justice . . . if the wrong is manifest.[2]

Such "humanitarian intervention" is also the justification which the Israelis and the former U.S. Ambassador to the United Nations, William Scranton, offered for the raid on Entebbe. Over 100 hostages whose lives were in jeopardy were freed. Although such intervention by one nation into the territory of another has few defenders it has many practitioners. Human rights violations have provided the pretext for the Vietnam war, the Soviet invasion of Czechoslovakia, the Chinese invasion of Tibet, India's invasion of East Pakistan and four wars in the Middle East as well as the smoldering war in Southern Africa today. The principles vary, but in each case a form of human rights violation was held to justify war. Even when such interventions save lives, which they rarely do, they also give new shape and energy to the reign of force in world politics.

Nonetheless, the cost of non-intervention is also high. The existence of racial segregation or Apartheid in Southern Africa, the mass killings in Uganda, the political prisoners in the Soviet Union, China and Vietnam, torture in Brazil, Chile, Iran and elsewhere, all continue.

In a world in which gross violations of human rights are common, practical people will weigh the costs of non-intervention against the costs of intervention. No one, in such a frame of mind, would advocate intervention where super-power confrontation might lead to nuclear war. Yet, many people find the dramatic violations of weaker regimes reason enough to justify the devastation of war. Such people, however, rarely consider the deaths caused, the fact that innocent people are killed, much less the setback for the advancement of human rights entailed, when governments come to power through violence.

The overriding reality is that military intervention and revolutions, given the weapons of the present, are themselves forms of tryanny because they do not distinguish between the innocent and the guilty. To succeed in modern warfare, one must usually adopt means that kill nearly indiscriminately. As long as the fighting continues, few could say that the human rights violations themselves were worse than the means used to end them. The means themselves, violate human rights in a fundamental way.

In addition, the use of mass violence, itself, encourages the following tendencies, all hostile to liberty: the suppression of the truth to maintain morale; the use of terror to intimidate neutrals; the polarization of opinion; the end of dialogue; the characterization of one side as inherently evil and the other as naturally good; the destruction of industry, food, goods, property and the environment; and the reduction of complex issues into terrible simplifications. In short, the prerequisites for the realization of human rights — a commitment to dialogue, reason, truth and a sense of community — are destroyed by war. So if we are to promote the sense of community which encourages the enjoyment of human rights, we must reject the use of violence.

If we reject the use of violence to protect human rights, how then can human rights be protected in a world dominated by national military power?

There are, in fact, many unused, non-military means to defend and advance human rights (see pp. 121 to 127) and many possible reforms in international human rights procedures and institutions (see pp. 128 to 153). These means range from human rights seminars, publicity and new judicial and non-judicial institutions, through the use of economic embargoes, and other non-military forms of coercion, to non-violent, civil disobedience. They include limiting or ending economic assistance to countries engaged in the gross violations of human rights on the grounds that in such circumstances aid is not likely to be effective. In addition, investigations by non-governmental organizations and direct negotiations with governments can help. Human rights

[2] E. C. Stowell's argument plus contending views is presented in Louis Sohn and Thomas Buergenthal's *International Protection of Human Rights* (Indianapolis: Bobbs-Merrill 1973), pp. 137-211.

advocates who wish to advance the cause, must thus seek to develop such techniques and institutions, extending the values that commit them to support human rights in the first place, to the means appropriate to their realization.

Human rights and building a sense of World Community

Human rights issues do not arise in isolation from other considerations in national and world politics. They are linked directly to questions such as the sovereignty of nation-states and the power of international and transnational institutions; to such issues as economic development, literacy, housing and opportunities for economic self-sufficiency. Human rights issues are also affected by the armaments race which now threatens everyone and consumes important resources while breeding fear, suspicion and a need for allies. Finally, human rights issues are intertwined with the struggle for power and position among and between contending ideologies, creeds, nationalities, social/economic groups and, at times, races. Progress toward the enjoyment of human rights is thus related to progress toward the goals of improved international and transnational institutions, to economic development, to reversing the arms race and to nonviolent conflict resolution. Progress toward the enjoyment of human rights is linked, in short, to progress toward the essential requisities of a world without war.

One central prerequisite of both the enjoyment of human rights and a world without war is a sense of world community—a feeling of commonality which creates the expectation that change ought to take place in world politics without violence. Within a nation, such a sense of community sustains the institutions and processes that make possible the nonviolent resolution of conflict. Such a sense of community does not now exist in sufficient strength in world politics. It is prevented and attenuated by wars and threats of war; by terror and the threat of terror; by inequities, economic deprivation, and indifference; by unredressed gross violations of human rights; and by hatreds engendered during the imperialism which characterized European and the U.S.'s relationships with old empires from 1870 through World War II and beyond. Although new states have ended colonialism, the attitudes of racial supremacy, cultural superiority and paternalism of a previous era still poison much of international life. Thus, the creation of such a sense of community will not be easy even though it would be mutually beneficial. But the attempt should be made, because out of such a sense of world community can develop a commitment to legal processes for adjudicating disputes and enforcing human rights.

If the advance of human rights and the abolition of war share a common goal—a sense of community—they also share a common enemy—the overarching nation-state. The need is to limit, however, not to abolish the state. National governments are needed; no other modern institution commands the loyalty or the resources to even partially fulfill the widespread demand for economic sustenance. National law reflects long traditions and can provide a form of order responsive to cultural differences and national traditions. In the absence of states, neither world law nor smaller units of organization are as likely to effectively resolve domestic conflicts or manage modern economies. Protection or legitimation of non-governmental and transnational authority can aid in limiting the state.

Nationalism remains this century's most pervasive ideology. It binds individuals to states and provides states a mass base from which to wage war and suppress dissent. Many of the strongest currents of thought and feeling of out times—nationalism, equalitarianism, the demand for public services from the state—tend to increase and extend the authority of the state. But human rights, at least civil and political rights, require that the state's authority be limited. Restraining governments is possible when customs and traditions of human rights limit the influence of authority; when moral notions of the inviolability of the individual restrain government officials; or when a plurality of religious, ethnic or political groups consent to respect the rights of the other.

At the international level, however, even these conditions may not be effective in promoting human rights. Here both transnational institutions and non-governmental organizations, such as the International Commission of Jurists, must be strengthened. They help by detecting violations of human rights as they occur and providing tribunals, such as now exist in Western Europe, to which individuals can appeal against states (see pp. 123 to 127). By providing multiple focuses of loyalty and action, such transnational organizations and non-governmental organizations can both advance economic, social, and cultural ends and divest the state of some of the functions it has assumed. But given the preeminence of the state in modern times, all other forms of power appear weak by comparison.

Gaining the Agreement of other States

How can one state gain the agreement of other states to enforce human rights declarations, covenants and conventions across national and ideological barriers?

To ask that question is already to recast much of the international agenda now committed to the liberation of states—a liberation which often does little for the betterment of individuals within those states. Progress can be made, however, by example. When claims are made that the U.S. is violating human rights, an international agency should be permitted to investigate that violation provided the state itself is open to similar investigation. Even if no international authority can be created, those with moral authority could receive and hear human rights complaints (see pp. 132 to 133). Since governmental institutions often do not respond to individual complaints, non-governmental organizations should be supported and encouraged to continue to press their investigations. The International League for Human Rights receives 1,000 to 2,000 complaints from individuals and groups each year charging violations of fundamental human rights. The League undertakes individual casework on behalf of these individuals and groups. (See also the section on Religious Liberty, pp.154 to 167).

The Inter-relationship between Goals

Progress toward the transnational protection of human rights can help to create a sense of world community. Such a sense of world community would aid in gaining international agreement to reverse the arms race, in fostering mutually beneficial economic relationships between rich and poor states and in improving the performance of international organizations on such matters. In turn, progress toward any of these other goals could aid the further advancement of human rights.

But progress is not likely, much less assured. In an age when economic well-being is an overriding goal, it is possible to acknowledge responsibility for executing 800,000 political opponents, as Mao did in 1957, and still be considered a man of the people, an agent of progress. The closing decades of the 20th Century offer little more promise for human rights than the age of imperialism with which the Century began. But human rights issues will continue to be pressed to the fore. They do not depend upon the efforts of one administration. Concern for human rights persists because there is something irreducible in human nature which cries out for self-expression and seeks self-fulfillment. Having vanquished external domination, the peoples of the new states and the old may yet turn to restraining their own domineering tendencies. They may. But as Acton put it, liberty's enemies are many:

In every age [liberty's] progress has been beset by its natural enemies, by ignorance and superstition, by lust of conquest and by love of ease, by the strong man's craving for power, and the poor man's craving for food. During long intervals it has been utterly arrested . . . when the perpetual struggle for existence, depriving men of all interest and understanding in politics, has made them eager to selling their birthright for a pottage . . . ignorant of the treasure they resigned.[3]

None of these natural enemies is more manifest today than the institution of war, now accepted by some even as the way to achieve economic growth. Nevertheless, Camus's formidible wager, that words are more powerful than munitions, is the only wager which offers hope of significant progress toward the realization of human rights. For those who want to aid, a number of resources for action conclude this kit.

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[3]Lord Acton, "History of Freedom in Antiquity," reprinted in *Essays in the Liberal Interpretation of History* (Chicago: University of Chicago Press 1967), p. 243

The beliefs which we have most warrant for have no safeguard to rest on but a standing invitation to the whole world to prove them unfounded.

John Stuart Mill, *On Liberty*, 1859

II. Facts and Values

A. INTERNATIONAL HUMAN RIGHTS: A SELF-SURVEY

This self-survey is designed to aid the reader in studying the major value and factual questions concerning International Human Rights. Part I, Value Choices, includes questions about goals, values, methods and conditions for human rights. More than one answer may be given. Part II presents fourteen factual questions.

Part I: Value Choices

1. Which of the following are the most important goals of the international human rights movement?

a. The establishment of agreed-upon standards for judging the performance of different governments and political forces.
b. The protection of the individual against the increasing powers of modern, industrialized states.
c. The spread of the political and civil rights embodied in the U.S. Bill of Rights to everyone.
d. The recognition of economic, cultural and social rights as equal if not superior to political and civil rights.
e. The establishment of an important precondition of world peace.
f. The acceptance of the basic concepts which will enable nations and groups to contest their differences without war.
g. The breaking down of governmental authority, particularly governments in which the rule of law and judicial concepts have immediate and practical implications.

2. What values underlie the International Human Rights movement?

a. The primacy of the individual's conscience in knowing right from wrong.
b. The dignity and worth of the individual.
c. The right of states to be free of external coercion or internal dissension so as to achieve social justice.
d. The desire to be left alone.
e. The wish to make over the world in Americans' idealized self-image of themselves.
f. Cooperation and equality.
g. Cosmopolitanism, not nationalism.
h. Pluralism and cultural relativism.

3. What methods are most appropriate to the International Human Rights movement?

a. Declarations of principles such as the Universal Declaration of Human Rights and the two Covenants (On Civil and Political Rights and on Economic, Social and Cultural Rights).
b. The drafting and ratification of specific conventions which spell out specific obligations, duties and rights as has been done in over nine areas.
c. Humanitarian intervention as when military force is used to prevent massive loss of life, as when India invaded East Pakistan to aid in the establishment of Bangladesh.
d. The holding of international seminars on human rights.
e. The development of regional charters on human rights as the West European and Western Hemispheric states have done.
f. The gradual development of a U.N. High Commissioner on human rights who reports on human rights violations.

8

g. The establishment of a world habeas corpus system which would permit individuals to know why states have imprisoned them.
h. The establishment of non-governmental judicial institutions whose members would have great moral stature and whose opinions would thus be considered.
i. The empowerment of an international tribunal similar to the Nuremberg Tribunal capable of subpoenaing evidence, acting as prosecuting attorney against even heads of states and handing out sentences.

4. Which of the following conditions is essential to any broader definition of enforceable international human rights conceptions?

a. The achievement of freedom from hunger.
b. An end to the attempt of 142 nations to achieve national security through arms and a balance of military power.
c. Equality of opportunity.
d. An end of class divisions within societies.
e. The transformation of the nature of man.
f. A greater sensitivity to cultural differences and a recognition that in many cultures individual rights is an alien concept.
g. The destruction of large corporations.
h. The destruction of large government enterprises.
i. The elimination of the State.
j. The decentralization of government.
k. The deurbanization of modern life.
l. The closing of the gap between the rich and the poor so that the rich are not fearful for what they have; the poor envious of what they do not have.

Part II: Facts and Problems in the Post World War II Human Rights Movement

1. The Preamble of the Charter of the United Nations:

a. makes no statement about human rights
b. assumes that different states, cultures and societies have different contending conceptions of human rights
c. reaffirms faith in fundamental human rights and in equal rights of men and women and of nations
d. is concerned only with economic rights

2. The Preamble of the Charter of the United Nations also calls for the establishment of:

a. world habeas corpus courts
b. international machinery for the promotion of the economic and social advancement of all peoples
c. national courts to which individuals can appeal national decisions
d. the rights of international authorities to investigate violation of human rights principles

3. The Charter of the U.N. also prevents the U.N. from:

a. intervening in matter which are essentially within the domestic jurisdiction of any state
b. revising the Charter
c. embarrassing the head of state of any member nation
d. intervening in matters which are entirely within the domestic jurisdiction of any state

4. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly:

a. without opposition
b. with eight abstensions and two absentees including the Soviet Union among the former
c. with eight abstensions and two absentees including the United States among the former
d. a narrow majority

5. Among those international organizations drafting Human Rights Declarations, Covenants or Conventions since World War I have been:

a. The International Labor Organization
b. UNICEF (U.N. Children's Fund)
c. UNESCO (U.N. Educational, Scientifical and Cultural Organization)
d. The Organization of American States
e. The Council of Europe
f. The U.N. General Assembly
g. The U.N. Secretariate
h. all of the above

6. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were passed by the U.N. General Assembly in 1966. They are designed to:

a. Add additional principles to the Universal Declaration of Human Rights
b. Spell out in greater detail several of the generalizations embodied in the Universal Declaration
c. Supercede provisions of the Universal Declaration
d. Abridge the Bill of Rights

7. Since World War II nine major international human rights conventions have been drafted. These conventions:

a. provide detailed statements of obligations to be accepted by states to enable individuals to enjoy provisions of the Universal Declaration
b. add new principles to the Universal Declaration
c. call for a major new enforcement capability
d. delete important clauses of the Universal Declaration

8. A Covenant or Convention when ratified by a state:

a. has no status under international law
b. has the status of a treaty under international law
c. has the status of a statement of intention
d. has the status of an Article of the U.S. Bill of Rights

9. One of the major issues in the U.S. ratification of conventions has been the relationship between Federal and State authority. When the Federal government ratifies a Convention:

a. it does not apply to states which have their own constitutions
b. it supercedes all inconsistent clauses in Federal and State laws because of the supremacy of Federal authority
c. it has no effect on states

d. it would not over-ride a provision of the Bill of Rights if they were in conflict.

10. Of the nine major conventions drafted since World War II, how many countries have signed all of them (1975):

a. 4
b. 20
c. 95
d. 142

11. Of the nine major conventions drafted since World War II, the U.S. has signed how many of them?

a. all nine
b. six
c. four
d. only one

12. The European Convention for the Protection of Human Rights and Fundamental Freedoms:

a. permits individuals no additional avenues to redress grievances than the Universal Declaration
b. permits individuals to bring suit against a national government after national remedies have been exhausted
c. permits individuals the right to define new rights binding on national authority
d. recognizes that human rights questions are of little importance

13. In the last ten years approximately what percentage of U.N. General Assembly agenda items have been concerned with human rights questions?

a. 15%
b. 40%
c. 55%
d. 80%

14. Surveys of the willingness to ratify international human rights declarations and covenants and to sign human rights conventions indicate:

a. those most willing to sign and ratify have the best records of domestic enforcement
b. those least willing to sign and ratify have the best records of domestic enforcement
c. no particular relationship between signing such instruments and a willingness to enforce them
d. a high correlation between signing them and violation of them

Questions and Answers on Human Rights*

Introduction

When the founding fathers of the United Nations drew up the Organization's Charter at San Francisco in 1945, they established in the very first paragraph of the Preamble their fundamental objective: to save succeeding generations from the scourge of war.

In the next paragraph of the Preamble they reaffirmed faith in fundamental human rights and in the dignity and worth of the human person.

Those opening words of the United Nations Charter not only establish the priorities of purpose and of effort to which the peoples of the United Nations stand pledged, they reflect the indissoluble link between respect for human rights and human survival.

In recognition of this interdependence of human rights and world peace the United Nations took upon itself, as one of its earliest tasks, the formulation of mankind's first Universal Declaration of Human Rights as a common standard of achievement for all peoples and for all nations, large and small. The Declaration was adopted without a dissenting vote in 1948.

Eighteen years later, the Declaration was given a more precise legal form in the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the latter Covenant.

What are human rights?

■ Human rights are based on mankind's increasing demand for a decent, civilized life in which the inherent dignity of each human being will receive respect and protection. That idea reaches beyond the comforts and conveniences which science and technology can provide. We do not speak merely of biological needs when we talk about human rights. We mean those conditions of life which allow us fully to develop and use our human qualities of intelligence and conscience and to satisfy our spiritual needs. Human rights are fundamental to our nature; without them, we cannot live as human beings.

To deny human beings their rights is to set the stage for political and social unrest—wars, hostility between nations and between groups within a nation—and that denial leads to urgent demands for a better life in larger freedom. Human rights, far from being an abstract subject for philosophers and lawyers, affect the daily lives of everyone—man, woman and child.

What rights are so fundamental that we cannot live like human beings without them?

■ Broadly speaking, two kinds of rights are recognized in the Universal Declaration. There is the traditional kind, civil and political rights, which gradually evolved over centuries during the long development of democratic society. Then there are economic, social and cultural rights, which started to be recognized more recently when people realized that possession of certain political and civil rights would be valueless without the simultaneous enjoyment of certain rights of an economic, social and cultural character.

What are civil and political rights?

■ First, we should all have the right to life, liberty and the security of our persons. We must not be held in slavery, or punished in an inhuman or degrading way. All of us should be equal before the law. We must not be arrested or exiled because of someone's whim. We should be entitled to a fair hearing if someone charges us with a crime, and we must be presumed innocent until proved guilty. Our privacy, family, home and correspondence must be protected against arbitrary interference. If we are persecuted, we should be able to seek asylum in another country. We should have the right to a nationality. We should be able to marry and to found a family, and our family should be entitled to protection. We should have the right to own property.

Then there are the well-known fundamental freedoms: freedom of thought, conscience and religion, freedom of opinion and expression, and the freedom to join with others in peaceful assembly and association. Everyone should have the right to take part in the government of his country, through elections and through equal access with anyone else to jobs in the public service.

* reprinted from Questions and Answers on Human Rights, United Nations, 1972

What are economic and social rights?

■ They include the right to work, to free choice of jobs, to just and favourable conditions of work and to protection against unemployment. Every man or woman should be entitled to the same pay if he or she does the same work. All should have the right to rest and leisure. An adequate standard of living is another of our rights, and that means enough food, clothing, housing, medical and social services, and social security. Mothers and children should be entitled to special care and assistance. Everyone should have the right to education, and the right freely to participate in the cultural life of the community.

Who says these are our rights?

■ Philosophers and the greatest figures in world history have been emphasizing and developing the concept of human rights from the beginning of civilized life, and the United Nations has reaffirmed them. All the political, civil, economic, social and cultural rights mentioned here are set out in the Universal Declaration of Human Rights, which the United Nations General Assembly adopted on 10 December 1948, with not a single country voting against it.

Does that make them the law in all countries?

■ The Declaration states that it is a common standard of achievement for all peoples and all nations, and not a binding set of rules. But the mere fact that the Declaration was solemnly accepted by so many countries of such varying cultural, economic and political backgrounds implies that those countries are ready to promote the rights they have proclaimed. It may be interesting to note that the Declaration has been incorporated in the constitutions of a number of countries and its wording is reflected in many constitutions.

Why doesn't the United Nations go beyond the Declaration and try to write these rights into law?

■ It has done just that, by drawing up two International Covenants on Human Rights—the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights. Both were adopted unanimously by the General Assembly on 16 December 1966.

Once the Covenants come into effect they will be legally binding treaties between the States which ratify them. They contain "measures of implementation" – that is, arrangements for international review of the way in which States carry out their obligations under the Covenants.

How do the Covenants differ from the Declaration?

■ Since they are legal instruments, the Covenants define the various rights more precisely. For example, the article on guarantees for a person charged with a crime lists seven minimum guarantees, including the right to a prompt trial and to legal assistance. A few rights mentioned in the Declaration are not dealt with in the Covenants; some rights not mentioned in the Declaration are set out in the Covenants—notably, the right of self-determination.

What is the right of self-determination?

■ It is the right of all peoples to determine their political status and to pursue their economic, social and cultural development. That includes the right of peoples freely to dispose of their natural wealth and resources. Because it is a political, an economic and a social right, and because of its importance, the General Assembly inserted the right of self-determination in article 1 of both Covenants.

Are all of the rights set out in the Covenants to be given effect immediately?

■ By and large, all of the obligations a State assumes under the Covenant on Civil and Political Rights are meant to be implemented as soon as that State ratifies the Covenant. The Covenant on Economic, Social and Cultural Rights, however, states that its provisions are to be carried out progressively. There is a difference between a right such as the right to recognition as a person before the law, which can be put into effect immediately by enactment of legal measures; and a right like the right of education, which requires money, teachers and buildings before everybody can enjoy it.

Who is to enjoy these rights?

■ All the rights in the Declaration and the Covenants are to be enjoyed by all persons, without discrimination as to race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The principle of equality and non-discrimination is basic not only to the Covenants but to all United Nations activities to promote human rights.

Isn't there sometimes too much emphasis on rights and too little on duties?

■ Rights and duties are sides of the same coin. When the United Nations or anyone else calls for respect for human rights, they mean not only that *our* rights must be observed but also that we must respect the rights of others. In the words of the Declaration, "Everyone has duties to the community in which alone the free and full development of his personality is possible".

Can human rights be exercised without restriction?

■ Not when their exercise would interfere with the rights of others. Both Covenants provide that nothing in them should be taken to imply that anyone has the right to seek to destroy or unduly limit the rights set out in the Covenants. Other restrictions differ in detail depending on the right involved, but several articles of the Covenant on Civil and Political Rights provide that the rights dealt with shall not be subject to any restrictions except those provided by law, and which are necessary to protect national security, public order, public health or morals, or the rights and freedom of others

How can the United Nations be sure that States Parties live up to their promises under the Covenants?

■ By obliging them to report to an international body on the measures they have taken and the progress they have made. Both Covenants provide for such a reporting procedure. In the case of the Covenant on Economic, Social and Cultural Rights, the United Nations Economic and Social Council is the body which will study those reports. It may rely on the Commission on Human Rights and on the specialized agencies of the United Nations for expert assistance.

In the case of the Covenant on Civil and Political Rights, a special Human Rights Committee will be set up to deal with the reports. After studying the reports, the Council may make general recommendations on economic and social rights; the Human Rights Committee may make general comments on civil and political rights.

What happens if two States Parties disagree on whether one of them is fulfilling its obligations?

■ The Covenant on Civil and Political Rights provides for a special procedure in case of such a disagreement. It will work this way: Suppose State A thinks that State B is not allowing an ethnic or religious minority to enjoy its culture or practise its religion. If a solution cannot be reached by direct negotiation, State A may write to the Human Rights Committee since such minority rights are provided for in the Covenant on Civil and Political Rights. The Committee may look into the complaint and take it up with State B to try to work out a settlement. If no agreement is worked out, the Committee may report on the facts of the case.

That procedure will apply only between two States which agree in advance to allow the Human Rights Committee to deal with such questions affecting them.

Will individuals be able to complain about violations of their rights?

■ Only if their countries have ratified another legal instrument which the General Assembly adopted at the same time as the two Covenants. That document is the Optional Protocol to the International Covenant on Civil and Political Rights. The procedure under the Protocol works this way: Suppose Mr. Smith, who lives in Country A, claims that his right to freedom of expression has been violated by his own Government. If his country is a Party to the Protocol and to the Covenant on Civil and Political Rights and if he has tried without success to obtain satisfaction within his country, Mr. Smith may complain to the Human Rights Committee. The Committee may then take up the complaint and forward its view to the country concerned and to Mr. Smith. The Committee is to report annually to the General Assembly on its activities under the Protocol.

Will the United Nations be able to order a country to comply with its human rights obligations?

■ Each country will have the final say in human rights matters, and no international organ will be able to override the authority of the supreme organs of each State. It is logical and expected that States will find inspiration for their attitudes and actions, as regards the human rights of their nationals, in the international standards elaborated by the international community as represented by the United Nations.

Why are countries unwilling to turn their ultimate authority in human rights matters over to the United Nations?

■ Each country has its own constitution and legal system to deal with such matters, and naturally it considers that matters like human rights are best decided in accordance with its procedures and laws and customs. Moreover, the Covenant on Civil and Political Rights obliges each country which is a Party to it to ensure that, whenever someone's rights have been violated, he or she is given an effective remedy within the country. Under international law, States are responsible for the obligations they undertake, and it must be presumed they would not commit themselves to human rights obligations if they did not intend to comply with them.

What use is the international machinery for implementing the Covenants if countries are to have the final say in individual cases?

■ The main instrument at the disposal of the international community—and it can be a most effective instrument—is exposure to world public opinion. The reporting procedure under the International Covenants is designed to publicize the progress of each country in achieving human rights, and the obstacles encountered. The conciliation procedure is intended to help countries settle disagreements in particular cases, and Governments will be able to make use of this procedure in the knowledge that, if conciliation fails, an issue they consider important will be aired before the world. The international machinery will be far from all-powerful; but this should not obscure the fact that the implementation of the Covenants will be a giant step forward in giving effect to international concern about human rights.

When will the International Covenants come into effect?

■ Each Covenant will enter into force when 35 States have ratified it or acceded to it. The Protocol to the Covenant on Civil and Political Rights requires 10 ratifications or accessions. As of 15 February 1973, 19 countries had ratified or acceded to each Covenant, and 9 countries had notified their intention to be bound by the Optional Protocol.

[The two covenants and the optional protocol have now received enough ratifications to be considered in force.]

Once the Declaration was adopted, why did it take 18 years to complete the Covenants?

■ The task was complicated by many factors. There was the problem of defining the various rights and of deciding which were so fundamental that they should be included. While all United Nations Members agree on the importance of recognizing human rights, their differing legal and political systems and their varied economic, social and cultural development sometimes lead them to different views on rights. There was the difficult nature of the subject: human rights touch on the most sensitive areas of an individual's relationship to his society and his State. There was the task of striking a balance between international concern over human rights violations and the reluctance of States to surrender to international machinery their traditional authority over human rights questions affecting their citizens. Moreover, the United Nations was confronted with a dilemma: the more comprehensive the Covenants, the more likely it was that States might be unwilling to ratify them because they could not accept one provision or another. That dilemma was met in part by the decision to prepare two Covenants instead of one all-embracing document, in the hope that States which found immediate difficulties with one might be able to accept the other.

What sort of difficulties arose in defining particular rights?

■ An example which came up in drafting the Covenants was the article on the right to life in the Covenant on Civil and Political Rights. Some countries thought that the Covenant should explicitly prohibit capital punishment (the execution of persons convicted for crimes such as murder), while others held that was a highly controversial question which should be left to each country to resolve. As finally drafted, the Covenant provides that, in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crime.

Another issue over the same article was whether the right to life should be protected "from the moment of conception". Some considered it was only logical to protect the unborn child from the moment life began; others who opposed the proposal said the rights and duties of the medical profession were involved and the legislation was based on different principles in different countries. The decision was not to include the phrase in the article.

Some of the social issues which arose in drafting the Covenants are among the most controversial facing many nations.

What other human rights Conventions has the United Nations adopted in the past 25 years?

■ Once the Universal Declaration of Human Rights was proclaimed in 1948, the United Nations immediately set out to adopt treaties on specific rights. They deal with genocide, racial discrimination, refugees, stateless persons, the rights of women, slavery, and freedom of information. These Conventions are in effect between the States which have become parties to them.

What has been done about genocide?

■ Crimes perpetrated against whole groups of innocent people during the Second World War led the General Assembly, in 1948, to adopt the Convention on the Prevention and Punishment of the Crime of Genocide. Genocide is defined in the Convention as the committing of certain acts with intent to destroy a national, ethnic, racial or religious group. Genocide is characterized as a crime under international law, whether committed in time of peace or of war. Seventy-five States have become parties to this Convention.

What about racial discrimination?

■ The United Nations has been especially concerned about racial discrimination in recent years and has devoted much action to its consideration. Many newly-independent countries, with vivid memories of colonialism, have been particularly concerned at the continuance in power of régimes in southern Africa and elsewhere which are based on the dominance of a white minority over a black majority. In taking political action to try to change the policies of the régimes in South Africa, Southern Rhodesia and the Territories under Portuguese domination, the United Nations is aware that racial discrimination and theories of racial superiority underlie many political problems with which it has to deal. The General Assembly has condemned those racial policies frequently.

Is there a Convention against racial discrimination?

■ The General Assembly, in 1965, adopted the International Convention on the Elimination of All Forms of Racial Discrimination. When States become parties to that Convention, they undertake to pursue without delay a policy of eliminating racial discrimination in all forms and promoting understanding among all races. The Convention is based on the conviction "that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere"

How is the Convention to be implemented?

■ Implementation provisions are in the Convention. A Committee on the Elimination of Racial Discrimination considers reports sent in by the parties to the Convention, and makes general recommendations and reports to the General Assembly. The Committee may try to reconcile disagreements between parties over compliance with the Convention and may make recommendations for a solution. In a precedent-setting provision, the Convention will make it possible for individuals or groups to petition the Committee about their grievances, provided their Government has recognized the Committee's right to examine such communications.

The Convention came into force when 27 States had ratified or acceded to it on 4 January 1969.

What else has the United Nations done to combat racial discrimination?

■ The efforts of the United Nations against racial discrimination are concentrated on securing implementation of the Declaration on the Elimination of All Forms of Racial Discrimination, which the General Assembly adopted unanimously in 1963. In the Declaration, the Assembly condemned racial discrimination as a violation of human rights and as an obstacle to friendly relations among nations. It pointed out that racial discrimination harms those against whom it is directed and those who practise it. While the Declaration is not binding on any country, it may be considered that those States which voted for it are under a moral obligation to live up to it. A fresh opportunity for all nations and individuals of goodwill to join in the campaign to stamp out the evils of racism and racial discrimination was provided by the world-wide observance, under United Nations sponsorship, of 1971 as the International Year for Action to Combat Racism and Racial Discrimination.

As in the case of human rights generally, a most effective way in which the United Nations can combat racial discrimination is by exposing it to world opinion. The United Nations cannot force Governments and peoples to comply with its wishes in this matter. The United Nations can bring to their attention the evils and danger of discrimination and suggest ways to eliminate it. That is the objective of the International Day for the Elimination of Racial Discrimination, which was commemorated for the first time in 1967. The date is 21 March, the day in 1960 when peaceful demonstrators against *apartheid* were killed in Sharpeville, South Africa.

What is *apartheid* and what is being done about it?

■ *Apartheid*, an Afrikaans word meaning "separateness", is the South African Government's policy of racial segregation. The General Assembly has condemned that policy as a crime against humanity and has called on all States, and particularly South Africa's major trading partners, to promote action to end *apartheid*.

A Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa keeps a constant watch on the situation and reports to the Assembly and the Security Council. The Commission on Human Rights has set up an expert group to look into charges of torture and ill-treatment of political prisoners and detainees in South Africa. That group has also been given the task of investigating charges that South Africa is violating trade union rights. A United Nations seminar on *apartheid* was held in Brasilia in 1966; one on the elimination of all forms of racial discrimination was held in New Delhi in 1968; one on measures to be taken at the national level for the implementation of United Nations instruments aimed at combating and eliminating racial discrimination and for the promotion of harmonious race relations was held at Yaoundé in 1971; and one on the dangers of a recrudescence of intolerance in all its forms, and the search for a means of preventing and combating it was held in Nice in 1971. The General Assembly has established a United Nations Trust Fund for South Africa, a United Nations Fund for Namibia, and a United Nations Educational and Training Programme for Southern Africa.

What has been the response of South Africa?

■ The South African Government has resisted this United Nations pressure, claiming that its policies benefit both blacks and whites in South Africa and that, in any case, the matter is a domestic one in which the United Nations should not intervene.

Is the United Nations concerned with other types of discrimination?

■ The Sub-Commission on Prevention of Discrimination and Protection of Minorities, ever since it was set up in 1947, has been studying discriminatory practices based on other grounds including religion and political opinion as well as race and colour. The Sub-Commission prepared the first draft of the Declaration and Convention against Racial Discrimination, and has drafted similar instruments on the elimination of religious intolerance. The General Assembly decided in 1972 to accord priority to the completion of the Declaration.

Agencies related to the United Nations have also acted against discrimination in the fields of their concern. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has adopted a Convention against Discrimination in Education. The International Labour Organisation (ILO) has approved a Convention concerning Discrimination in respect of Employment and Occupation. Both Conventions call for periodic reports by Governments on what they are doing to carry out the provisions; there are provisions for settling disputes.

What about discrimination against women?

■ A Declaration on the Elimination of Discrimination against Women, prepared by the Commission on the Status of Women, was unanimously adopted by the General Assembly on 7 November 1967. Long before the idea of such a declaration arose, the United Nations began promoting women's rights through a series of measures. A Convention on the Political Rights of Women, adopted by the General Assembly in 1952, provides that women shall have equal rights with men as regards voting, election to public bodies, the holding of public office and the exercise of public functions. A Convention on the Nationality of Married Women, adopted in 1957, provides that a woman's nationality shall not automatically be affected because she marries a man of

another nationality. A United Nations Convention, adopted in 1962, says that no marriage shall be legal without the full and free consent of both parties, expressed in person.

Besides drafting those Conventions, the United Nations Commission on the Status of Women meets every other year to examine women's advances toward equality throughout the world, and it has drawn up recommendations to improve the position of women in law and in practice. The Commission works in close co-operation with interested specialized agencies, especially the ILO and UNESCO, in matters affecting economic rights and the right to education. It maintains close working relations with other regional intergovernmental, and with nongovernmental organizations.

In recent years United Nations work has emphasized not only equality of rights, but also equality of opportunity of men and women. Current programmes are action-oriented and emphasize the implementation in practice of international standards. Special emphasis is attached to women's role in the family, to their full integration in the economic, social and political development of their countries, and to the inter-relationship of the status of women and population problems.

What has the United Nations done to help refugees?

■ Some of the most practical work done by the United Nations in human rights is its assistance to refugees. More than 4 million victims of war, persecution and other upheavals have been the concern of the United Nations. Some are fed from United Nations rations. Arab refugees from Palestine are cared for by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Many of these refugees – UNRWA had 1.5 million on its rolls in 1972 – are housed, clothed and educated by the Agency, at least in part. A larger number were displaced for a second time by the Middle East fighting of June 1967.

More than 2.5 million refugees elsewhere in the world come under the mandate of the United Nations High Commissioner for Refugees (UNHCR). That agency was able to report the closing in 1966 of the last refugee camps in Europe, some of which dated back to the end of the Second World War. However, more than half a million new refugees in Africa are outside their home countries, and the High Commissioner is helping to repatriate or resettle them.

Can a Convention be helpful in aiding refugees?

■ The General Assembly adopted such a Convention in 1951. The Convention relating to the Status of Refugees specifies the kind of treatment that refugees should receive in the countries harbouring them, with regard to religion, access to courts, education, relief, labour legislation, housing and freedom of movement. A Protocol, approved in 1966, will extend the Convention so that it will deal with new refugee situations.

Is anything being done about the problem of stateless persons in general?

■ A Convention has been adopted to meet the need. The 1954 Convention relating to the Status of Stateless Persons sets out the standards of treatment for persons who do not have a nationality. In an effort to deal with the problem of reducing future statelessness, the United Nations has adopted a Convention to help people acquire a nationality at birth and to limit the circumstances in which they lose a nationality without acquiring another. That Convention, adopted in 1961, is not in force. The complexity and variety of nationality laws make this a most difficult subject.

What about freedom of information?

■ Freedom of information, including freedom of expression and freedom of the Press, is dealt with in general terms in the International Covenant on Civil and Political Rights. The General Assembly has recognized that this freedom is the touchstone of all freedoms. Efforts to embody in a written text a more precise definition of this freedom have not been successful. A main problem is that different countries have different ideas about the role of the Press in society. Nevertheless, the Assembly keeps on its agenda an item on freedom of information, including proposals for a declaration and a convention on the subject.

On one aspect of this topic, the Assembly has adopted a Convention on the International Right of Correction. That Convention came into force in 1962 and is designed to enable States to have publicized in another country corrections to news dispatches published in that country which they consider false or distorted.

Does slavery still exist and is it being fought?

■ Slavery and institutions and practices similar to slavery are still to be found in some parts of the world, and the matter is actively before the United Nations. The main legal instruments are the Slavery Convention, approved by the League of Nations in 1926, and a Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, adopted in 1956 by a United Nations conference. The Parties to the Convention pledge themselves to prevent and suppress the slave trade and bring about the complete abolition of all forms of slavery. The Supplementary Convention outlaws certain institutions and practices similar to slavery such as debt bondage, serfdom, purchase of brides, and exploitation of child labour. Further measures to end slavery are being studied by several United Nations bodies.

What is being done about the rights of the worker?

■ This is a principal concern of the International Labour Organisation (ILO), a specialized agency of the United Nations. The ILO has adopted 280 Conventions and Recommendations, making up an International Labour Code that deals with a wide range of rights from hours of work and minimum wages to maternity protection, from industrial accidents to employment policy. Among its Conventions is one on the abolition of forced labour and another which seeks to protect freedom of association and the right of workers to organize trade unions. The ILO gives advice to Governments on ways to ensure that labour standards are adhered to by employers and employees, and it trains workers and management on a wide range of subjects, from the organization of co-operatives to the operation of social security schemes. It has special machinery for considering violations of trade union rights. Almost all the work of the ILO is concerned with safeguarding the human rights of the worker.

Is special consideration being given to the rights of children?

■ The rights and well-being of the world's children are the prime concern of one of the best-known United Nations agencies—the United Nations Children's Fund (UNICEF), which promotes the rights of the child by providing medicine and medical equipment, jeeps and bicycles for public health and community development workers, science kits for pilot schools, tools for vocational training, pipes and pumps for village sanitation, and stipends to pay for teacher training. As the child is the father of the man, so UNICEF is the eldest of the post-war United Nations agencies set up to provide direct assistance where it is most needed, and it is still working for the welfare of mankind.

To focus the world's attention on goals, the General Assembly, in 1959, unanimously adopted a Declaration of the Rights of the Child. The Declaration affirms that mankind owes to the child the best it has to give. Parents, individuals, voluntary organizations, local authorities and Governments are called on to recognize the rights and freedoms set forth and to strive for their observance. The first principle of the Declaration states that all children have the right to special protection and to be given opportunities and facilities to enable them to develop in a normal and healthy manner and in conditions of freedom and dignity.

What about youth and human rights?

■ The General Assembly in 1965 adopted by acclamation the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples. The Declaration sets out the principles to guide not only young people but also the adults who are concerned with their education and welfare. It emphasizes the obligations of youth to society and the world. A major aim in educating the young, it declares, should be to develop all their faculties; to train them to acquire higher moral qualities; to be deeply attached to the noble ideals of peace, liberty and the dignity and equality of all men, and to be imbued with respect and love for humanity and its creative achievements. The Declaration emphasizes the important role of the family in achieving those aims.

What about the right to education?

■ In a world where almost half of its children grow up without any education because schools are lacking, and where four out of ten adults cannot read or write, a massive effort is needed to give substance to the right to education. To assist developing countries in school education, UNESCO is helping Member States to plan educational programmes, train teachers, build inexpensive schools, modernize their curricula and produce good textbooks. The UNESCO has helped develop national literacy programmes in over 30 States and has established mass pilot literacy programmes in 14 States with the aid of the United Nations Development Programme. The Director-General of UNESCO has proposed that the world set a target: to wipe out illiteracy and to assure every child at least six years of education by the end of the century.

Does the United Nations have any way of finding out whether Governments are promoting human rights?

■ The Governments of Member States report periodically to the United Nations on development with regard to human rights in their countries. Specialized agencies and non-governmental organizations also submit information. Those hundreds of pages of reports are sifted each year by a special committee of the Commission on Human Rights. Based on the conclusions of that committee, the Commission makes comments to the Economic and Social Council on human rights trends in general. Thus, a procedure similar to the reporting system provided for in the Covenants on Human Rights has been in effect since 1956.

Can individuals complain to the United Nations when they think their human rights have been violated?

■ The United Nations receives many complaints from individuals and groups alleging violations of human rights. It can take little action on such complaints. Those communications are made available every year, on a confidential basis, to the Human Rights Commission and its Sub-Commission on Prevention of Discrimination and Protection of Minorities. Specific complaints are brought to the attention of the Governments concerned. The Commission and the Sub-Commission are authorized to examine information on gross violations of human rights in appropriate cases, to make a thorough study of situations which reveal a consistent pattern of violations of human rights, and to report, with recommendations thereon, to the Economic and Social Council. As noted earlier, the Optional Protocol to the Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination include procedures for handling communications by individuals under certain circumstances.

There is a special procedure for dealing with petitions from individuals or groups concerning conditions in United Nations Trust Territories, and on many occasions the Trusteeship Council has made recommendations to the countries administering the Territories with a view to correcting a situation about which a petitioner has complained. Many petitions deal with human rights matters.

Communications about Non-Self-Governing Territories are dealt with by the General Assembly's Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Like the Trusteeship Council, the Special Committee often grants hearings to petitioners. The General Assembly's Special Committee on *Apartheid* considers communications received by it.

What does the work of the Trusteeship Council and the Committee on the ending of colonialism have to do with human rights?

■ The Trusteeship Council, in overseeing the administration of the two remaining Trust Territories, looks into political, economic, social and educational conditions. It may, for example, call for greater participation by the local people in Government, more job opportunities, improved welfare schemes or better schools – all matters having to do with human rights. There are two Trust Territories left – Papua New Guinea and the Trust Territory of the Pacific Islands. Once there were 11, but the nine others have attained the main goal of the Trusteeship System – independence or self-government. In a number of cases, that came about as a result of referanda supervised by the United Nations.

Implementing the right of self-determination is the main concern of the Committee on decolonization. To that end, it often makes detailed recommendations on how the right should be implemented in particular Territories. Depending on circumstances, the Committee may call for general elections with universal adult suffrage, the handing over of powers to an elected Government, the holding of a constitutional convention, the organization of a referendum, or the granting of independence by a certain date.

What is the main United Nations body principally concerned with human rights?

■ The Commission on Human Rights. It is a body of 32 representatives of States Members of the United Nations, which meets for at least a month each year to make recommendations on ways of promoting human rights. The Commission is one of the six functional commissions of the Economic and Social Council. Another is the Commission on the Status of Women, which also has 32 members. The Human Rights Commission may draft international conventions, decide on United Nations procedures for handling human rights subjects, and make recommendations on particular rights. Many of its recommendations are sent to the Economic and Social Council and to the General Assembly for action. The Commission supervises the United Nations programme of advisory services in human rights.

How does the United Nations render technical assistance in human rights?

■ Technical assistance is essentially an exchange of techniques and experience. There are many instances in which such an exchange can be helpful in the solution of human rights problems. Those activities are carried out under the programme of advisory services in human rights. The programme is so named because the United Nations may render advice to Governments which ask for it, leaving to the Government concerned the decision as to what use to make of the advice.

Seminars and fellowships are the principal activities under that programme. Experts from countries in a region, and sometimes from countries throughout the world, are assembled under United Nations auspices to discuss a particular human rights subject. After a thorough exchange of views, each expert goes back to his country with a better understanding of the subject, and often with ideas which have worked well in other countries and which his Government may want to consider.

What is being done to commemorate the twenty-fifth anniversary of the Universal Declaration of Human Rights?

■ On 10 December 1973 the world community will observe the twenty-fifth anniversary of the Universal Declaration of Human Rights. The General Assembly will hold a special commemorative meeting when for the second time prizes will be awarded for outstanding achievements in human rights. Special United Nations postage stamps and other publicity materials are to be issued. Governments, specialized agencies, intergovernmental organizations and non-governmental organizations are preparing special programmes.

Decade for action to combat racism and racial discrimination

A Decade for Action to Combat Racism and Racial Discrimination will be launched by the General Assembly at its special meeting on 10 December 1973. The goals of the Decade will be to promote human rights, especially by eliminating racism and racial discrimination, to arrest any expansion of racist policies, to end racist régimes, and to isolate and dispel the fallacious beliefs contributing to racism and racial discrimination. To that end the international community will be urged to implement United Nations instruments and decisions on the elimination of racial discrimination and to undertake a vigorous world-wide campaign of information to enlighten and involve world public opinion in the struggle against racism and racial discrimination.

In what way will United Nations activities in human rights develop?

■ The coming into force of the International Covenants on Human Rights, and of the Optional Protocol to the Covenant on Civil and Political Rights, when enough States ratify or accede to them, will bring new international machinery and confer new responsibilities upon existing United Nations bodies.

Besides the important advances in setting human rights standards, significant steps are being taken to enable the United Nations to complement the work of Governments in extending respect for human rights and in preventing gross violations. The new instruments concluded under United Nations auspices contain provisions for encouraging their implementation. Additional instruments are under preparation, including a convention on the suppression and punishment of the crime of *apartheid* and a convention on the protection of journalists engaged in dangerous missions in areas of armed conflict.

In recent years, the concern of the United Nations in human rights has extended to many new areas. Among the matters taken up are the realization of economic, social and cultural rights, the punishment of war criminals and of persons who have committed crimes against humanity, the effect of scientific and technological developments upon human rights, and the implementation of United Nations resolutions on the right of peoples under colonial and alien domination to self-determination.

This resurgence of activity in human rights could lead to ever-greater responsibilities for the international community in the protection and promotion of human rights. Whether the United Nations will be given a wider role depends on the decisions of Governments and the support of peoples.

What can the individual do?

■ The first duty of the individual citizen with regard to human rights may seem so simple and obvious that many may neglect it: It is to understand what our human rights are, so that when they are violated, we can recognize the act as a violation. To take one example, when a youth of obvious ability is unable to go to college because he or she lacks the financial means, our reaction may be no more than mild sympathy. When we recognize, however, that such a situation may be contrary to the principle that higher education shall be equally accessible to all on the basis of merit, as proclaimed in the Universal Declaration of Human Rights, we may take a more serious view and try to find remedies.

Once we understand our rights, our next responsibility is to promote them—for others as well as for ourselves. That responsibility begins with the people around us, for it is in our local communities that we have most influence. Acting on our own and in concert with others in non-governmental organizations, we can remedy human rights violations and promote respect for rights at home. We can strive to enable our countries to set a good example for the rest of the world. We can learn from the experiences of others by reading about what other countries are doing to promote human rights for their peoples.

Beyond responsibilities to our local communities and our nations, we have a duty to learn and to inform others about what the United Nations is doing to promote human rights. We can discuss the subject with our family, friends and associates. We can encourage schools to teach human rights, and to stimulate local newspapers and magazines to write about the subject. We can arrange for speakers to address local clubs and other groups of which we are members. We can encourage our Governments to ratify international human rights Conventions. We can make contributions to United Nations programmes aimed at advancing human rights, such as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Trust Fund for South Africa, the United Nations Fund for Namibia, or the United Nations Educational and Training Fund for Southern Africa. Many of these suggestions may be adopted to even greater effect if we work through non-governmental organizations.

The General Assembly has approved recommendations for action by Governments and non-governmental organizations in connexion with the observance of the twenty-fifth anniversary of the Universal Declaration. Information about those recommendations and about the plans of organizations, Governments and the United Nations for commemorating the anniversary may be secured from United Nations Headquarters, New York, or from United Nations Information Centres.

* * * *

The problem of protecting and promoting human rights, in the broadest sense, is the main concern of the United Nations. Since rights cannot be enjoyed fully if a person cannot earn a living and feed a family, all of the economic and social development programmes of the international community are essentially programmes to advance human rights. Since a person cannot be free if the nation to which he or she belongs is not allowed to decide its destiny through the exercise of the right to self-determination, the efforts of the United Nations to promote the granting of independence to colonial countries and peoples are basically human rights efforts. Our world consists of diverse political ideologies and racial origins, various religious beliefs and different degrees of economic development. When, out of that diversity, we develop common standards of human rights and respect for human dignity everywhere, we create a profound bond between men which is essential for maintaining peaceful relations among nations and for fruitful economic, social and cultural co-operation.

Almost every activity of the United Nations deals in one way or another with human rights for the simple reason that almost all of our daily activity is related to the exercise of human rights. One final question: Should we not, in going about our daily lives, give more thought to what the United Nations Charter describes in its Preamble as the determination of "We the peoples of the United Nations . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small"?

C.

Q. Are civil and political rights and economic, social and cultural rights complementary? Does one set take precedence over the other? Is each type obtainable in the same way or are different attitudes, institutions and behaviors appropriate for each?

Many Americans are familiar with human rights through their experience with the Bill of Rights to the U.S. Constitution. The rights stated there are civil and political rights. In the international human rights movement there is also a "second Bill of Rights," to use Franklin D. Roosevelt's phrase. This second Bill of Rights has found expression in such legislative acts as the Full Employment Act of 1946 and other measures which entitled citizens to apply for economic assistance. But such acts are not usually defined as inalignable rights but rather as the privilege which those alive today enjoy by virtue of the level of economic affluence and because no better means is available for alleviating poverty. Should the community's wisdom change, should it become widely accepted that there were better legal or non-legal remedies, it would be clear that the argument would be about the best means to a goal, not about what is and is not a right.

There are a number of important issues involved in the relationship between the two kinds of rights. In some cases, see pp. 112 to 120 states have embraced both sets in principle but have held in practice that economic rights take precedence and thus become a justification for the denial of political rights. Thus, among the issues to be considered in deciding the relationship between the two sets is whether one set can be denied with the objective of advancing the other. In addition, there are likely to be different means available for fulfilling each. So also there are disagreements about whether the state can effectively eliminate poverty and other social ills, and thus whether the state should attempt to control the economy or whether market forces should play the central role. Thus, while it is asserted that everyone has a right to food, it is not clear who has the obligation to supply it—the state, the religious organization, your neighbors, your family or yourself.

Thus, while both sets of rights have been affirmed, neither in the United States or in the Council of Europe, are their measures whereby individuals can prosecute the state for the violation of their human economic rights. In both legal systems, however, there are available legal remedies for those who believe their civil and political rights have been violated. Other legal orders have also failed to provide specific judicial means for prosecuting those held responsible for violating your economic rights.

Thus, many argue that the economic rights, at least, are better understood as goals than as rights, particularly so since there is no clear understanding of how to reach such objectives and many attempts have failed. But whatever the rhetoric of justification, the goals of promoting economic development, of aiding the individual in the struggle against economic want, and of overcoming poverty, are an important part of the international human rights movement.

(See also Jim Green's essay on pp. 64 to 70 describing the relationship between the two kinds of rights in United Nations documents.)

D. The Limits of Cultural Relativism

Q. Are not civil and political rights a distinctively Western European and American cultural development and thus the attempt to foster observance of such cultural norms a form of cultural blindness if not worse?

The view that one state should not attempt to influence the enjoyment of human rights in another state or one culture another culture, has some impressive supporting arguments. Strong opposition arises to U.S. attempts to influence human rights in other countries from the advocates of cultural relativism, from those who from a variety of viewpoints unite in a commitment to the uniqueness of national tradition and from those who believe there are a number of social, economic or demographic preconditions for civil and political rights. Although each of these traditions points up important limitations and suggests other cautions, they appear to deny the obvious: the ideas of liberty are not the product of one particular culture or national experience. They were not the prevailing ideas even in Western culture for much of its existence and are precarious even now. The constellation of ideas which are conducive to liberty have prevailed in other times and places. In addition, there are a number of nearly universal cultural traits, prohibitions such as those against murder, ritual sacrifice and sadistic practices. The maxim that one should only do unto others what one is willing to have done unto oneself, is found in each religion. There are, then, a number of trans-cultural values. In addition, the Ten Commandments ought to provide standards within the different cultures influenced by the Judaic-Christian traditions.

*by Robert Woito, Editor

There are at least a minimum definition of what constitutes a right which are found in other cultures and which would prohibit practices such as these:

1) the murder, deportation or suppression of an ethnic or racial minority.
2) the imprisonment of a person without telling him or her why.
3) the prevention of two or more people from seeking a social end of benefit to others without governmental approval.
4) the claim that government knows the will of a people while preventing the creation of effective instruments for forming that will.
5) the punishment of individuals for crimes committed by other members of their family or their ancestors.
6) the use of slave labor.
7) the use of torture.
8) the suppression of institutions that teach the prevailing religious beliefs.
9) the attempt to discuss in religious institutions the application of religious teachings to social problems.
10) the destruction of old newspapers and histories so their rewriting will not be noticed.
11) the murder or imprisonment of a non-violent political opposition.

The justifications for such acts as are suggested above are not found in cultural traditions but in very modern ideologies. The violations of human rights involved in such practices can and should be opposed not out of cultural blindness but because liberty is not just another political end, it is the precondition of meaningful participation in the life of a society.

I learnt from my illiterate but wise mother that all rights to be deserved and preserved come from duty well done.

Thus the very right to live accrues to us only when we do the duty of the citizenship of the world.

M.K. Gandhi, May 25, 1947

III. Contending Perspectives

A. Toward a U.S. Policy

1. "An Appeal for a World-Wide Amnesty," Daniel P. Moynihan

UNITED STATES MISSION TO THE UNITED NATIONS

799 United Nations Plaza
New York, N.Y. 10017

PRESS RELEASE

Statement by Ambassador Daniel P. Moynihan, United States Representative to the United Nations, in Committee Three, on the U.S. proposal for a world-wide amnesty for political prisoners, November 12, 1975.

Mr. Chairman, my delegation rises to address the Third Committee in a matter which may be the most important social, cultural and humanitarian proposal which the United States has made in very many years and which we regard as one of the most important which this Committee will ever have had before it.

In an address on the occasion of the thirtieth anniversary of the United Nations, United States Secretary of State Henry A. Kissinger took note that we are living at one of the rarest moments in the modern history of the world. For at this moment, in all of the world, there is not a single nation-state engaged in war against another nation-state.

It appears to the United States that such a moment invites—calls for—not less extraordinary measures of reconciliation not only between nations, but within them. To this end, the United States desires to propose a world-wide amnesty for political prisoners. It proposes a General Assembly resolution which

"Appeals to all Governments to proclaim an unconditional amnesty by releasing all political prisoners in the sense of persons deprived of their liberty primarily because they have, in accordance with the Universal Declaration of Human Rights, sought peaceful expression of beliefs and opinions at variance with those held by their Governments or have sought to provide legal or other forms of non-violent assistance to such persons."

The United Nations has, in truth, already taken, at this General Assembly, at least two steps in this direction.

A draft resolution in the Special Political Committee, entitled "Solidarity with the South African Political Prisoners," calls on South Africa to grant an unconditional amnesty to all persons imprisoned or restricted for their opposition to apartheid or acts arising from such opposition. . . ."

The United States voted for this resolution.

A draft resolution in the Social Cultural, and Humanitarian Committee, entitled "Protection of Human Rights in Chile," called for the government there to ensure "The rights of all persons to liberty and security of person, in particular those who have been detained without charge or in prison solely for political reasons."

The United States voted for this resolution.

Is there, however, any reason to stop there, to limit our concerns to only two members of the United Nations, when there are all together 142 members? The resolution on "Protection of Human Rights in Chile" declares, *inter alia*, that "No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense under national or international law at the time when it was committed. . . ." It has to be noted that more and more international pronouncements of this kind declare that there are crimes in international law for which individuals may be held responsible. Similarly, it is more and more held that there are actions against individuals for which governments may be held responsible, at least in the sense that they are expected not to take such actions. The exact state of the law in this area is not one on which there will be universal agreement. Yet, clearly, something akin to common law rights is emerging in international law which protects individuals where "universally condemned" or "abhorrent" actions are involved. It is to these standards that Secretary Kissinger appealed in his address to the General Assembly, earlier in this session, when he raised the issue of torture. Torture, he said, is

". . . . a practice which all nations should abhor. It is an absolute debasement of the function of government when its overwhelming power is used, not for people's welfare but as an instrument of their suffering."

Now it follows from these considerations that even as South Africa and Chile are obliged by certain standards concerning prisoners, for example, so equally are all other members of the United Nations. It is implicitly acknowledged, however, that it is for governments themselves to conform to international standards. And if some governments, then all governments.

Hence, at this moment, the singular appeal of amnesty. A moment of peace and of peacemaking, and a mode which allows governments to do what they ought without the appearance of coercion. All governments.

Universality in this matter is of special concern to the United States Government—and we would hope to all governments. There are two grounds for this concern which strike us with special force.

The first is that the selective morality of the United Nations in matters of human rights threatens the integrity not merely of the United Nations, but of human rights themselves. There is no mystery in this matter. Unless standards of human rights are seen to be applied uniformly and neutrally to all nations, regardless of the nature of their regimes or the size of their armaments, unless this is done, it will quickly be seen that it is not human rights at all which are invoked when selective applications are called for, but simply arbitrary political standards dressed up in the guise of human rights. From this perception it is no great distance to the conclusion that in truth there are no human rights recognized by the international community.

A generation ago the British poet Stephen Spender came to this perception in the course of visits to Spain during its long and tragic civil war. He had first come to Spain out of sympathy for one of the sides in that heartrending conflict. He had returned to England to report what he had seen of atrocities committed by the other side. Thereafter he made several trips to Spain, over the course of which he was forced to realize that atrocities were not a monopoly of one side only; they were indeed all too common on both sides.

At which point, to his great and lasting honor, he wrote:

"It came to me that unless I cared about every murdered child indiscriminately, I didn't really care about children being murdered at all."

This is what the United States proposal is about. Unless we care about political prisoners everywhere, we don't really care about them anywhere. It is something else altogether that is on our minds, something we conceal with the language of human rights, in the course of which we commence to destroy that language, much as George Orwell, who fought in the Spanish Civil War, saw that it would be destroyed.

Our concern about discriminatory treatment is not eased by scrutiny of the list of cosponsors of the draft resolutions on South Africa and Chile. These are, to repeat, resolutions calling attention to the plight of political prisoners. The South African draft resolution has 60 cosponsors. The Chilean draft resolution has 33. The United States has broken down these respective lists according to "The Comparative Survey of Freedom," that great contribution to clear thinking and plain speaking which is the work of Freedom House, an American institution of impeccable credentials, which traces its beginnings to the first efforts in the United States to win support for the nations then engaged in the mortal struggle against Nazism and Fascism in Europe. "The Comparative Survey of Freedom" ranks the levels of political rights and civil rights in individual nations on a scale of 1 to 7, and then gives a general summary ranking "Status of Freedom," by which nations are classified as Free, Partly Free, or Not Free. One of the melancholy attributes of a nation judged Not Free is that, in the opinion of the distinguished political scientists who carry out this survey, the nation is one in which individuals are imprisoned for political beliefs or activities of a noncriminal nature. In other words a nation with political prisoners.

What does "The Comparative Survey of Freedom" tell us about the cosponsors of these resolutions? It tells us that in its judgment, no fewer than 23 of the cosponsors of the draft resolution calling for amnesty for South African political prisoners, have political prisoners of their own. In the case of the draft resolution calling attention to the plight of political prisoners in Chile, it would appear that 16 of the cosponsors fall into the category of nations which have political prisoners of their own.

This leads to a particularly disturbing thought about the processes by which the United Nations has come to be so concerned about human rights in some countries, but not in others. This is that we tend to know about violations of freedom—know at the time and in detail—only in those countries which permit *enough* freedom for internal opposition to make its voice heard when freedoms are violated.

This is the case, is it not, in South Africa, where there are said to be over one hundred political prisoners. For it is not necessary to *go* to South Africa to learn of violations of human rights there. One need only subscribe to the South African press, a press which while no doubt curbed in some ways, or even many ways, is nonetheless capable of frontal assault on the policies of the South African government.

The *Cape Times*, for example, in its lead editorial of November 3 states, referring to an act that has been taking place here in the General Assembly by the United States Government:

"The controversy over detentions and opposition to apartheid between South Africa and the United States is unfortunate for it could harm the Republic's chances of establishing a firmer foothold on world opinion at a critical time. It also illustrates how indefensible the present system of detention is in South Africa. The fact is that unless Mr. Vorster is prepared to reveal reasons for detentions, he will be unable to answer convincingly the United States Government charge that people are detained whose only act is outspoken opposition to apartheid. To term this a 'downright lie' as Mr. Vorster has, might sound impressive for domestic consumption, but it is not really satisfactory."

The editorial concludes, and I have the honor to be associated here with my distinguished friend, Mr. Clarence Mitchell, about which this editorial is being written:

"For a start, Mr. Vorster should abolish the iniquitous terrorism act if he wants to deal effectively with the U.S. charge. The act provides for indefinite detention incommunicado and without trial, on the mere say-so of a police officer. There are no effective judicial reviews or guarantees. While the system remains on the statute books, charges such as the recent U.S. delegate's remarks in the U.N. will persist; and they cannot be answered convincingly. South Africa, moreover, will remain in the dubious company of countries which bypass the due process of law as part of the ordinary routine."

Is it not also the case that the freedom of the press in South Africa—such as it may be, for we do not assert it to be complete—contrasts sharply with that of its neighbors? In the *Monthly Bulletin* of the International Press Institute of June 1975, Mr. Frank Barton, Africa Director of IPI, is reported as having told the Assembly of that impeccably neutral and scrupulous organization:

"The unpalatable fact is—and this is something that sticks in the throat of every self-respecting African who will face it—is that there is more press freedom in South Africa than in the rest of Africa put together."

And what of Chile, that troubled land, where at least one estimate states that there are some five thousand political prisoners, and which is rated "partly free" by the Freedom House Comparative Survey?

One of the operative paragraphs of the draft resolution on Chile, for which the United States noted,

"Deplores *the refusal of the Chilean authorities to allow the Ad Hoc Working Group of the Commission on Human Rights to visit the country, notwithstanding previous solemn assurances. . . .*"

This is true. But it is only part of the truth. The whole truth would include the fact that Amnesty International and the International Red Cross *were* permitted to visit Chile. Moreover, if the visit of the Working Group had gone through, it would have been the *first time in history* that any government had permitted such a visit.

Are we not forced to acknowledge the point made recently by Mr. Robert Moss, the editor of *The* (London) *Economist*'s Foreign Report:

"If the military regime in Chile, following the example of all self-respecting Communist revolutionaries, had flatly decided to shut out all foreign reporters . . . and *civil rights investigators, for a period of, say, six months after the coup, our diet of horror stories from Chile would have been meager indeed."*

And are we not forced to take note of the report of Milton

Friedman, the distinguished American economist who recently visited Chile:

"On the atmosphere in Chile, it is perhaps not irrelevant that at two universities, the Catholic University and the University of Chile, I gave talks on 'The Fragility of Freedom,' in which I explicitly characterized the existing regime as unfree, talked about the difficulty of maintaining a free society, the role of free markets and free enterprise in doing so, and the urgency of establishing those preconditions for freedom. There was no advance or ex post facto censorship, the audiences were large and enthusiastic, and I received no subsequent criticism."

It is not the purpose of this statement to be accusatory, or to arouse ill feeling. But is it not the case that this year we have seen any number of regimes completely or almost completely seal off their countries, barring or expelling foreign newsmen, such that at most rumor reaches the outside world as to what is going on inside?

Simple justice requires that the United States, for one, acknowledge that while we have supported resolutions critical of repressive practices of the governments both of South Africa and Chile at this General Assembly, we have done so in the company of nations whose own internal conditions are as repressive or more so.

And what of Israel, a country rated Free by Freedom House, with high if not perfect scores in Political Rights and Civil Rights? Is it not enough to say that much of the case being made against Israel by other nations today, is made in the first instance by the fully legal opposition parties within Israel, including Arab-based parties, many of which have been quite successful in electing members to public office, and that this opposition is given notable expression in the Arabic language press in Israel which has been described as the freest Arab-language press in the World?

Thus we come to the second of the concerns which animate the United States at this point. This is the concern not only that the language of human rights is being distorted and perverted; it is that the language of human rights is increasingly being turned in United Nations forums against precisely those regimes which acknowledge some or all of its validity and they are not, I fear, a majority of the regimes in this United Nations. More and more the United Nations seems only to know of violations of human rights in countries where it is still possible to protest such violations.

Let us be direct. If this language can be turned against one democracy, why not all democracies? Are democracies not singular in the degree to which at all times voices will be heard protesting this injustice or that injustice? If the propensity to protest injustice is taken as equivalent to the probability that injustice does occur, then the democracies will fare poorly indeed.

And it is precisely this standard which more and more appears among us, albeit in various disguises. In 1971, for example, the World Social Report presented to the General Assembly was virtually a totalitarian document—you know of which I speak. I was in this Committee at that time and I said so at that time. The fundamental premise on which the assessment of social conditions in respective countries was made was that the absence of social protest indicated the absence of social wrong. Hence, without exception, the police states of the world were judged most in the right.

Americans, and those who have studied the history of the United States, will perhaps recall the memorable image which Abraham Lincoln once used in a speech given in 1858, which we have come to call his "Framing Timbers Speech." He was protesting what he judged to be the overall purpose being served by many seeminly unrelated legislative measures of the time—the purpose of extending slavery into our Western territories. (For the history of freedom in the United States is hardly without blemish.) Lincoln spoke of a "concert" of behavior:

"We cannot absolutely know that all these exact adaptations are the result of pre-concert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen . . . and we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few—not omitting even scaffolding—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such piece in—in such a case, we find it impossible not to believe that . . . all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck."

The United States makes no such assertion at this time. But it reserves the right to judge, in the months and years ahead, that there has indeed been a "*plan* or *draft*" involved in all the multifarious activities at the United Nations concerning human rights which with nigh inhuman consistency seem always, somehow, to be directed towards nations at least somewhat more free than most members of the U.N., and which now most recently have been directed toward a democratic society that is unquestionably free. We reserve the right to learn that our worst suspicions have been confirmed. But in the hope that we will not be, we here and now declare what our suspicions are. Our suspicions are that there could be a design to use the issue of human rights to undermine the legitimacy of precisely those nations which still observe human rights, imperfect as that observance may be.

To those members of the United Nations who would allay our suspicions we make this simple appeal: Join us in support of our draft resolution calling for amnesty for all political prisoners. The list of known prisoners, a list assembled by organizations such as Amnesty International, is a sufficiently long and harrowing one. But there is far more horror to be felt at the thought of the names we do *not* know. It is time to free these men and women. The time for this amnesty is past due, and the path is long. Let us take the first step here and now.

A. Toward a U.S. Policy

2. *HUMAN RIGHTS: LET'S MEAN WHAT WE SAY*

STATEMENT BY AMBASSADOR WILLIAM W. SCRANTON

United States Representative to the United Nations, in Committee Three, on Human Rights, November 24, 1976.

HUMAN rights is as vital and generic an interest of the United Nations as is peacekeeping itself. In fact, the two were the impetus for the founding of the United Nations after World War II — a war fought against tyranny for the preservation of humanity and human values. While United Nations efforts in peacekeeping have not always been effective, this organization has served well in this field, as it is doing today in several parts of the world. But to me, at least, that second and equally vital concern of our institution has brought deep disappointment. The rhetoric on human rights has been superb. The record of accomplishment has been sadly deficient.

This Committee has the privilege of dealing with human rights, a subject with but few exceptions absent from the body of international law before the United Nations was established. Until the United Nations Charter and the Universal Declaration of Human Rights set forth standards for relations between states and individuals, only global indignation could cause a state to desist from barbarous practices. The Universal Declaration and the cornucopia of papers that has flowed from the United Nations since, proclaiming principles and goals about the dignity of all humans, were to have made things different.

Universal lip service to human rights

Have they? Rarely does a state dare contradict the Declaration publicly, yet far too few pursue its goals conscientiously, and fewer still embrace its principles to the point of allowing domestic practice to be inspected. In short, the world has not come far.

Today the only universality that one can honestly associate with the Universal Declaration of Human Rights is universal lip service.

Why is the United Nations so long on declarations and so short on implementation? Why does it spend so much energy recognizing rights and so little providing remedies for the wronged? Why did the year 1968 — the twentieth anniversary of the adoption of the Declaration, designated as the International Year for Human Rights — follow the 19th Century pattern of treating human rights as little more than a political issue? Why did the Teheran Conference all but restrict its focus to anti-Israeli grievances and the black-white problems of southern Africa, and consciously ignore other obvious and egregious instances of oppression on every continent? The reason is simply this: human rights are still treated almost exclusively in a political context, even though positions are cloaked in high moral principles. As a result compliance with human rights standards is measured not by the standards themselves, but by vote-gathering ability.

"Mass murder condoned"

Those imprisoned for political dissent, those tortured because they refuse to abandon what they know to be true, cannot await the day their case might happen to come under the international political spotlight. For the literally hundreds of thousands suffering and denied their dignity as humans, the damage is irreparable. In short, in the field of human rights, justice delayed, as it is by slow and easily obstructed United Nations procedures, becomes mass murder condoned.

My belief and the basic concept upon which the free society of the United States is founded is this: the idea of human rights is not unique to certain groups at isolated points in history — the idea is a unifying thread through all of the history of man, even in darkest times.

Before becoming a place, or even a people, the United States was an idea: that men and women can live together in a society without surrendering their rights; that human beings are individuals, not just members of political communities or parts of social institu-

tions; that there exists a limit on the state's right to interfere with the rights and freedom of a citizen. This awareness of human rights and the natural dignity of human individuals lay at the very heart of our revolutionary birth two hundred years ago. The idea of liberty is the single most important animating principle of our Constitution and of our people today.

The focus of that liberty has been the individual, his energies and creative abilities, and how best to free those energies. Perhaps more than anything else, this has been the chief theme of our history at home and in our dealings with other nations. We have gone to war for it, and we have made peace with it foremost in our minds. To this day it remains the most powerful argument for our system.

For the protection of that liberty we limit the power of the government over the rights of the governed. During our nation's infancy it took a four-year struggle over the negotiation and ratification of the United States Constitution, a struggle resulting in ten amendments — our Bill of Rights — to circumscribe government authority. Yet our nation's founders knew that without a Bill of Rights freedom gained from colonial domination could one day be lost to an authoritarian regime.

When liberty and human rights disappear in the name of development

There are men and women in this room who share these views, who believe deeply in human rights, but whose governments confront what are said to be special and extraordinary social needs requiring priority attention. Their leaders are preoccupied with the immense problems of raising their people from poverty, of holding together diverse racial, tribal and religious elements, of eradicating illiteracy and of acquiring an elementary technology. In many cases their problems become a basis to rationalize a dominant role for the state, one so dominant that liberty and human rights disappear in the name of development.

History shows this to be an unfounded and destructive fiction — one the United States challenges first and foremost out of respect for the inherent dignity of man and woman. But one we also challenge for the sake of economic development itself. We offer the central lesson of modern history: that liberty is the spur to economic development, not its enemy. Countries grow economically when the inventiveness, creativity and freedom of their citizens are unfettered, not when energies of their people are locked and chained.

So to those who tell us they are too poor to afford our notions of human rights, we reply that freedom from want can best be achieved when civil and political rights are respected, that promoting and cherishing freedom is both a moral necessity and a precondition to better living.

When some leaders who do not heed that lesson are later called to account for their failures, they blame the devastation of their societies on the effects of a bygone colonialism or, more currently, on the economic strength of the industrialized democracies and the myth of neocolonialism, then they take for the state an even more dominant role to cope with increased discontent and opposition. Repression follows inevitably and leads to violence.

Yet for many leaders in the Third World this subordination of fundamental freedoms to government authority was not and is not desired. Far from fundamentally opposing individual human rights, these leaders hope for the day when their people can enjoy both freedom and prosperity.

No respect for human rights in Communist states

The Communist states, however, especially the Soviet Union, evidence no such aspirations. In the Soviet system any genuine respect for human rights encounters the harsh opposition of basic Marxist dogma: that individual rights stand in the way of a planned and directed society. Then there is their cynical approach to human rights discussion itself. For example, by putting forward in the Human Rights Commission what they call "the right to life" they attempt to justify in the name of national security the limitation of every other human right — the right to speak freely, to write, to worship, to be free of arbitrary action by the state.

The Soviet Union's efforts to manipulate the developing world are very destructive. Using the guise of neocolonialism to discredit the ideas and forms of freedom, they hope to strengthen the ideas and forms of totalitarianism.

But there are ways for the Soviet Union to play a constructive role for human rights, to demonstrate concrete follow-up on promises made. The forthcoming change in administration in the U.S. will not change one fundamental fact — the United States will insist that the Soviet Union fulfill its commitments under the Final Act of the Conference on Security and Cooperation in Europe, including the Basket III provisions. In considering further normalization of relations with the Soviet sphere, we shall measure their performance under the standards agreed to at Helsinki.

U.S. foreign policy focused on human rights

Mr. Chairman, some countries make fear an instrument of national policy. The creative instincts of people are continually kept in check; arrest, torture and imprisonment without trial, often under so-called emergency powers, become an institutionalized pattern. In this connection, I wish to reiterate my government's unequivocal condemnation of the doctrine and practice of apartheid. This pernicious philosophy has led to wave after wave of mass detention and the wholesale violation of even the most elementary human rights. It degrades not only its victims, but those who promulgate and defend it.

While the United States will not impose its system on others, it will and must make its views known. Concern about respect for human dignity is more than a simple reflection of American tradition. It is a critical current priority for the American people. Note the focus on Human Rights in United States foreign policy during this year's presidential campaign and the specific pro-

nouncements by the President-elect during the campaign itself and again last week at a press conference in Plains, Georgia. Note, too, the legislation enacted this year by the United States Congress to encourage the worldwide observance of human rights. Consistent patterns of gross violations against internationally recognized human rights already affect decisions on United States security assistance abroad and votes in multilateral lending agencies. Future legislation may well extend the range of our concern.

Non-performance of UN Human Rights Commission

Next year this Third Committee is scheduled to review human rights machinery in the United Nations. Will it then consider that notwithstanding the body of United Nations resolutions, conventions and declarations, violations of human rights appear as widespread today as in any recent time? United Nations policies require secrecy of proceedings and restrict the Committee from discussing the literally tens of thousands of petitions to the United Nations that cite violations of human rights in so many nations, yet we all know what they are about: denial of basic freedoms and particularly religious expression in the Baltic states — Lithuania, Latvia and Estonia; coercive political indoctrination in the so-called "work camps" of Indochina; massive detentions and torture of political prisoners in some countries of Latin America; mass slaughter in some countries of Africa; denial of freedom of thought, religious freedom, and emigration in the Soviet Union. The full roll call is long and depressing; it goes on and on.

We are all familiar with the procedures which were authorized by the Economic and Social Council in 1970 in Resolution 1503. These procedures marked what we then hoped would be a major step forward in improving the capability of the United Nations to deal with situations of serious human rights violations. They authorized action on human rights petitions which "reveal a consistent pattern of gross and reliably attested violations."

But the record of Human Rights Commission actions under these procedures has been one of non-performance. One basic reason for the dismal record is the procedures themselves. They virtually assure that complaints of violations will die in a bureaucratic maze. For example, after the receipt of the complaint, long delays occur before there is any possibility of action by the Commission. Eighteen months must pass before a complaint is first reviewed — a complaint that evidences "a consistent pattern of gross violations."

By the time a complaint is considered, it needs updating, and an update must go through the same delay-plagued process. Last March when a motion to allow supplementary material to bypass delaying procedures was proposed, in typical fashion it too was postponed. Obviously these procedures should be made more effective, sped up to bring action. My government will do its utmost to support improvement in Resolution 1503.

UN must challenge with the abuse of human rights everywhere

This Committee should establish mechanisms to stem the massive violations of human rights in the world — not merely in the handful of countries to which this body has attracted world attention. It must act against the abuse of human rights wherever it takes place. Effective investigatory power, effective procedures, effective action taken before a particular abuse becomes a global political issue — all these are needed.

If, at the close of the third decade since the adoption of that Universal Declaration, no better United Nations machinery exists than does now, then we will have bared our true intent — to avoid fulfilling the purposes of that Declaration. That anniversary will then not be a celebration, but an occasion for dismay at how little was done and how much was concealed. If we will not act to give life to the principles we profess, maybe the honest course would be for us to file out of this hall one by one, each admitting we have no intent to keep faith with our promises. But none of us can afford to abandon this sacred responsibility, whatever the difficulties.

Yearn as I may for utopia, right now I would settle for comparatively small changes and additions to our system. Total restructuring and fundamental change is not essential. But we must build upon the existing machinery, remove its weaknesses, and make it work.

There is no shortage of suggestions that merit consideration: A United Nations High Commissioner for Human Rights, an International Human Rights Court, a permanent body to meet and review complaints regularly throughout the year. Each could provide timely continuous and public attention to serious human rights violations. In addition, this Organization should make a more deliberate effort to coordinate with the important human rights work being done by regional groups. Further, more regional human rights organizations should be established. All these suggestions could improve the current situation immensely.

The responsibility to safeguard human rights is simply too sacred for all of us — and might indeed someday be needed to preserve life and freedom for any one of us — to be left hostage to political manipulation.

Every country represented here subscribes to the principles of the Universal Declaration of Human Rights. A number honor them. Many more would if they thought they could. It is time for this body to make those principles a reality, to act now to turn on some light.

Human rights are destroyed in little moves that flourish in darkness and quiet — destructive steps, each so minor that one seems able to justify not putting up a defense — not just yet. Only exposure — precise, unrelenting and complete exposure — will prevail against that destructive process.

The conscience of mankind can ignore injustice in the dark. When the lights are on, few men of conscience can remain quiet. This body must choose between darkness and decency, between protecting the violators of human dignity and protecting human dignity itself with the light of world opinion, the clear light of truth.

A. Toward a U.S. Policy
3.

Text of an Address by President Carter at the United Nations March 17, 1977

I am proud to be with you tonight in this house where the shared hopes of mankind can find a voice.

I have come here to express my own support, and the continuing support of my country, for the ideals of the United Nations.

We are proud that, for the 32 years since its creation, the United Nations has met on American soil. And we share with you the commitments to freedom, self-government, human dignity, mutual toleration, and peaceful resolution of disputes—which the founding principles of the United Nations and Secretary General Kurt Waldheim so well represent.

No one nation can by itself build a world which reflects these values. But the United States has a reservoir of strength—economic strength, which we are willing to share; military strength, which we hope never again to have to use; and the strength of ideals, which we are determined fully to maintain as the backbone of our foreign policy.

It is now eight weeks since I became President. I have brought to office a firm commitment to a more open foreign policy. I believe that the American people expect me to speak frankly about the policies we intend to pursue, and it is in that spirit that I speak to you tonight about our hopes for the future.

I see a hopeful world, a world dominated by increasing demands for basic freedoms, for fundamental rights, for higher standards of human existence. We are eager to take part in the shaping of this world.

But in seeking such a better world, we are not blind to the reality of disagreement, nor to the persisting dangers that confront us. Every headline reminds us of bitter divisions, of national hostilities, of territorial conflicts, of ideological competition. In the Middle East, peace is a quarter of a century overdue. A gathering racial conflict threatens southern Africa; new tensions are rising in the Horn of Africa; disputes in the Eastern Mediterranean remain to be resolved.

Perhaps even more ominous is the staggering arms race. The Soviet Union and the United States have accumulated thousands of nuclear weapons. Our two nations have almost five times as many missile warheads today as we had eight years ago. Yet we are not five times more secure! On the contrary, the arms race has only increased the risk of conflict.

We can only improve this world if we are realistic about its complexities. The disagreements we face are deeply rooted, and they often raise difficult philosophical as well as practical issues. They will not be solved easily nor quickly. The arms race is now imbedded in the fabric of international affairs and can only be contained with the greatest of difficulty. Poverty and inequality are of such monumental scope that it will take decades of deliberate and determined effort even to improve the situation.

I stress these dangers and these difficulties because I want all of us to dedicate ourselves to a prolonged and persistent effort designed

— to maintain peace and to reduce the arms race;

— to help build a better and more cooperative international economic system;

— to work with potential adversaries as well as with our friends to advance the cause of human rights.

In seeking these goals, I recognize that the United States cannot solve the problems of the world. We can sometimes help others resolve their differences, but we cannot do so by imposing our own particular solutions.

In the coming months, there is important work for all of us in advancing international cooperation and economic progress in the cause of peace:

— Later this spring, the leaders of several industrial nations of Europe, North America, and Japan will confer at a Summit meeting in London on a broad range of issues. We must promote the health of our industrial economies, seek to restrain inflation and begin to find ways of managing our domestic economies for the benefit of the global economy.

— We must move forward with the Multilateral Trade Negotiations in Geneva.

— The United States will support the efforts of our friends to strengthen democratic institutions in Europe, particularly in Portugal and Spain.

— We will work closely with our European friends on the forthcoming Review Conference on Security and Cooperation in Europe. We want to make certain that all provisions of the Helsinki Agreement are fully implemented and that progress is made to further East-West cooperation.

— In the Middle East, we are doing our best to clarify areas of agreement, to surface underlying consensus, and to help develop mutually acceptable principles which can form a flexible framework for a just and permanent settlement.

— In southern Africa, we will work to help attain majority rule through peaceful means. We believe that such fundamental transformation can be achieved, to the advantage of both blacks and whites. Anything less than that may bring a protracted racial war, with devastating consequences for all. This week the government of the United States took action to bring our country into full compliance with United Nations sanctions against the illegal regime in Rhodesia.

— We will put our relations with Latin America on a more constructive footing, recognizing the global character of the region's problems. We are also working to resolve in amicable negotiations the future of the Panama Canal.

— We will continue our efforts to develop further our relationship with the People's Republic of China. We recognize our parallel strategic interests in maintaining stability in Asia and will act in the spirit of the Shanghai Communique.

— In Southeast Asia and the Pacific we will strengthen our association with our traditional friends and seek to improve relations with our former adversaries.

— Throughout the world, we are ready to normalize our relations and to seek reconciliation with all states which are ready to work with us in promoting global progress.

Above all, the search for peace requires a much more deliberate effort to contain the global arms race. Let me speak in this context first of the US-Soviet relationship, and then of the wider need to contain the proliferation of arms throughout the global community.

I intend to pursue the Strategic Arms Limitation Talks between the United States and the Soviet Union with determination and with energy.

SALT is extraordinarily complicated. But the basic fact is that while the negotiations remain deadlocked the arms race goes on, the security of both countries and the entire world is threatened. My preference would be for strict controls or even a freeze on new types and new generations of weaponry, with a deep reduction in the strategic arms of both sides. Such a major step toward not only arms limitations but arms reductions would be welcomed by mankind as a giant step toward peace.

Alternatively, and perhaps more easily, we could conclude a more limited agreement based on those elements of the Vladivostok Accord on which we can find consensus, and set aside for prompt consideration and subsequent negotiations the more contentious issues and also the deeper reductions that I favor.

We will also explore the possibility of a total cessation of nuclear testing. While our ultimate goal is for all nuclear powers to end testing, we do not regard this as a prerequisite for suspension of tests by the two principal nuclear powers. We should, however, also pursue a broad and permanent multilateral agreement on this issue.

We will also seek to establish Soviet willingness to reach agreement with us on mutual military restraint in the Indian Ocean, as well as on such matters as arms exports to troubled areas of the world.

In proposing such accommodations I remain fully aware that American-Soviet relations will continue to be highly competitive—but I believe that our competition must be balanced by cooperation in preserving peace, and thus our mutual survival. I will seek such cooperation earnestly and sincerely.

However, the effort to contain the arms race is not a matter just for the United States and the Soviet Union alone. There must be a wider effort to reduce the flow of weapons to all the troubled spots of this globe. Accordingly, we will try to reach broader agreements among producer and consumer nations to limit the export of conventional arms, and we will take initiatives of our own since the United States has become one of the major arms suppliers of the world.

We are deeply committed to halting the proliferation of nuclear weapons among the nations of the world. We will undertake a new effort to reach multilateral agreements designed to provide legitimate supplies of nuclear fuels while controlling poisonous and dangerous atomic wastes.

Working with other nations represented here, we hope thus to advance the cause of peace. We will make a strong and positive contribution to the upcoming Special Session on Disarmament.

But the search for peace also means the search for justice. One of the greatest challenges before us as a nation, and therefore one of our greatest opportunities, is to participate in molding a global economic system which will bring greater prosperity to the people of all countries.

I come from a part of the United States which is largely agrarian and which for many years did not have the advantages of adequate transportation, capital, management skills, education—which were available in the industrial states of our country. So I can sympathize with the leaders of the developing nations, and I want them to know that we will do our part.

To this end, the United States will be advancing proposals aimed at meeting the basic human needs of the developing world and helping them to increase their productive capacity. I have asked Congress to provide seven and one-half billion dollars of foreign assistance in the coming year, and I will work to ensure sustained American assistance as the process of global economic development continues. I am also urging the Congress to increase our contributions to the United Nations Development Program and meet in full our pledges to multilateral lending institutions —especially the International Development Association of the World Bank.

We remain committed to an open international trading system, one which does not ignore domestic concerns in the United States. We have extended duty-free treatment to many products from the developing countries. In the Multilateral Trade Negotiations in Geneva we have offered sub-

stantial trade concessions on goods of primary interest to developing countries. In accordance with the Tokyo Declaration, we are also examining ways to provide additional consideration for the special needs of developing countries.

The United States is willing to consider, with a positive and open attitude, the negotiation of agreements to stabilize commodity prices, including the establishment of a common funding arrangement for financing buffer stocks where they are a part of individual, negotiated agreements.

I also believe that the developing countries must acquire fuller participation in the global economic decision-making process. Some progress has been made in this regard by expanding participation of developing countries in the International Monetary Fund.

We must use our collective natural resources wisely and constructively. Today our oceans are being plundered and defiled. With a renewed spirit of cooperation and hope we join in the Conference of the Law of the Sea in order to correct the mistakes of past generations and to insure that all nations can share the bounties of the eternal seas.

We must also recognize that the world is facing serious shortages of energy. This is a truly global problem. For our part, we are determined to reduce waste and to work with others toward a proper sharing of the benefits and costs of energy resources.

The search for peace and justice means also respect for human dignity. All the signatories of the UN Charter have pledged themselves to observe and respect basic human rights. Thus, no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation of freedom occurs in any part of the world.

The basic thrust of human affairs points toward a more universal demand for fundamental human rights. The United States has a historical birthright to be associated with this process.

We in the United States accept this responsibility in the fullest and most constructive sense. Ours is a commitment, not just a political posture. I know perhaps as well as anyone that our ideals in the area of human rights have not always been attained in the United States, but the American people have an abiding commitment to the full realization of these ideals. We are determined, therefore, to deal with our deficiencies quickly and openly.

To demonstrate this commitment I will seek Congressional approval and sign the UN covenant on economic, social, and cultural rights and the covenant on civil and political rights. I will work closely with our Congress in seeking its support to ratify not only these two instruments, but the United Nations Genocide Convention and the Treaty for the Elimination of All Forms of Racial Discrimination as well. I have just removed the last remaining restrictions to American travel abroad and will move to liberalize travel opportunities to America.

The United Nations is the global forum dedicated to the peace and well-being of every individual—no matter how weak or how poor. But we have allowed its human rights machinery to be ignored and sometimes politicized. There is much that can be done to strengthen it.

The Human Rights Commission should be prepared to meet more often. And all nations should be prepared to offer it their fullest cooperation—to welcome its investigations, to work with its officials, to act on its reports.

I would like to see the entire UN Human Rights Division moved back here to the central headquarters where its activities will be in the forefront of our attention, and where the attention of the press corps can stimulate us to deal honestly with this sensitive issue. The proposal made 12 years ago by the government of Costa Rica—to establish a UN High Commissioner for Human Rights—also deserves our renewed attention and support.

Strengthened international machinery will help us all to close the gap between promise and performance in protecting human rights. When gross or widespread violation takes place—contrary to international commitments—it is the concern of all. The solemn commitments of the UN Charter, of the UN's Universal Declaration of Human Rights, of the Helsinki Accords, and of many other international instruments must be taken just as seriously as commercial or security agreements.

This issue is important by itself. It should not block progress on other important matters affecting the security and well-being of our people and of world peace. It is obvious that the reduction of tension, the control of nuclear arms, the achievement of harmony in troubled areas of the world, and the provision of food, good health, and education will independently contribute to advancing the human condition.

In our relations with other countries, these mutual concerns will be reflected in our political, our cultural, and our economic attitudes.

These then are our basic priorities as we work with other members to strengthen and to improve the United Nations:

— We will strive for peace in the troubled areas of the world;

— We will aggressively seek to control the weaponry of war;

— We will promote a new system of international economic progress and cooperation; and

— We will be steadfast in our dedication to the dignity and well-being of people throughout the world.

I believe this is a foreign policy that is consistent with America's historic values and commitments. I believe it is a foreign policy that is consonant with the ideals of the United Nations.

Thank you.

The Secretary of State

Speech

April 30, 1977
Athens, Ga.

Bureau of Public Affairs
Office of Media Services

4.

HUMAN RIGHTS POLICY

Secretary Cyrus R. Vance on Law Day before the University of Georgia's Law School

Dean Beaird, students, faculty and alumni of the University of Georgia Law School, distinguished guests: I am delighted to be here with you on Law Day. And I am honored by the presence of my friend Dean Rusk, a distinguished member of your faculty.

I speak today about the resolve of this Administration to make the advancement of human rights a central part of our foreign policy.

Many here today have long been advocates of human rights within our own society. And throughout our Nation that struggle for civil rights continues.

In the early years of our civil rights movement, many Americans treated the issue as a "Southern" problem. They were wrong. It was and is a problem for all of us. Now, as a Nation, we must not make a comparable mistake. Protection of human rights is a challenge for all countries, not just for a few.

Our human rights policy must be understood in order to be effective. So today I want to set forth the substance of that policy and the results we hope to achieve.

Our concern for human rights is built upon ancient values. It looks with hope to a world in which liberty is not just a great cause but the common condition. In the past it may have seemed sufficient to put our name to international documents that spoke loftily of human rights. That is not enough. We will go to work, alongside other people and governments, to protect and enhance the dignity of the individual.

Let me define what we mean by "human rights."

PR 194

First, there is the right to be free from governmental violation of the integrity of the person. Such violations include torture; cruel, inhuman, or degrading treatment or punishment; and arbitrary arrest or imprisonment. And they include denial of fair public trial, and invasion of the home.

Second, there is the right to the fulfillment of such vital needs as food, shelter, health care, and education. We recognize that the fulfillment of this right will depend, in part, upon the stage of a nation's economic development. But we also know that this right can be violated by a Government's action or inaction—for example, through corrupt official processes which divert resources to an elite at the expense of the needy, or through indifference to the plight of the poor.

Third, there is the right to enjoy civil and political liberties—freedom of thought, of religion, of assembly; freedom of speech; freedom of the press; freedom of movement both within and outside one's own country; freedom to take part in government.

Our policy is to promote all these rights. They are all recognized in the Universal Declaration of Human Rights, a basic document which the United States helped fashion and which the United Nations approved in 1948. There may be disagreement on the priorities these rights deserve, but I believe that, with work, all of these rights can become complementary and mutually reinforcing.

The philosophy of our human rights policy is revolutionary in the intellectual sense, reflecting our Nation's origin and progressive values. As Archibald MacLeish wrote during our Bicentennial a year ago, "The cause of human liberty is now the one great revolutionary cause. . . ."

President Carter put it this way in his speech before the United Nations:

". . . All the signatories of the United Nations Charter have pledged themselves to observe and to respect basic human rights. Thus, no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation occurs in any part of the world. . . ."

Since 1945 international practice has confirmed that a nation's obligations to respect human rights is a matter of concern in international law.

Our obligation under the UN Charter is written into our own legislation. For example, our Foreign Assistance Act now reads: "A principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries." In these ways our policy is in keeping with our tradition, our international obligations, and our laws.

In pursuing a human rights policy, we must always keep in mind the limits of our power and of our wisdom. A sure formula for defeat of our goals would be a rigid, hubristic attempt to impose our values on others. A doctrinaire plan of action would be as damaging as indifference.

We must be realistic. Our country can only achieve our objectives if we shape what we do to the case at hand. In each instance we will consider these questions as we determine whether and how to act:

First, we will ask ourselves, what is the nature of the case that confronts us? For example, what kind of violations or deprivations are there? What is their extent? Is there a pattern to the violations? If so, is the trend toward concern for human rights or away from it? What is the degree of control and responsibility of the Government involved? And, finally, is the Government willing to permit independent, outside investigation?

A second set of questions concerns the prospects for effective action. Will our action be useful in promoting the overall cause of human rights? Will it actually improve the specific conditions at hand? Or will it be likely to make things worse instead? Is the country involved receptive to our interest and efforts? Will others work with us, including official and private international organizations dedicated to furthering human rights? Finally does our sense of values and decency demand that we speak out or take action anyway, even though there is only a remote chance of making our influence felt?

We will ask a third set of questions in order to maintain a sense of perspective. Have we steered away from the self-righteous and strident, remembering that our own record is not unblemished? Have we been sensitive to genuine security interests, realizing that outbreak of armed conflict or terrorism could in itself pose a serious threat to human rights? Have we considered all the rights at stake? If, for instance, we reduce aid to a Government which violates the political rights of its citizens, do we not risk penalizing the hungry and poor who bear no responsibility for the abuses of their Government?

If we are determined to act, the means available range from quiet diplomacy in its many forms through public pronouncements to withholding of assistance. Whenever possible, we will use positive steps of encouragement and inducement. Our strong support will go to countries that are working to improve the human condition. We will always try to act in concert with other countries through international bodies.

In the end a decision whether and how to act in the cause of human rights is a matter for informed and careful judgment. No mechanistic formula produces an automatic answer.

It is not our purpose to intervene in the internal affairs of other countries, but as the President has emphasized, no member of the United Nations can claim that violation of internationally protected human rights is solely its own affair. It is our purpose to shape our policies in accord with our beliefs and to state them without stridency or apology when we think it is desirable to do so.

Our policy is to be applied within our own society as well as abroad. We welcome constructive criticism at the same time as we offer it.

No one should suppose that we are working in a vacuum. We place great weight on joining with others in the cause of human rights. The UN system is central to this cooperative endeavor. That is why the President stressed the pursuit of human rights in his speech before the General Assembly last month. That is why he is calling for U.S. ratification of four important human rights covenants

and conventions, and why we are trying to strengthen the human rights machinery within the United Nations.

And that is an important reason why we have moved to comply with UN sanctions against Rhodesia. In one of our first acts, this Administration sought and achieved repeal of the Byrd amendment, which had placed us in violation of these sanctions and thus in violation of international law. We are supporting other diplomatic efforts within the United Nations to promote basic civil and political rights in Namibia and throughout southern Africa.

Regional organizations also play a central role in promoting human rights. The President has announced that the United States will sign and seek Senate approval of the American Convention on Human Rights. We will continue to work to strengthen the machinery of the Inter-American Commission on Human Rights. This will include efforts to schedule regular visits to all members of the Organization of American States, annual debates on human rights conditions, and the expansion of the inter-American educational program on human rights.

The United States is seeking increased consultation with other nations for joint programs on economic assistance and more general efforts to promote human rights. We are working to assure that our efforts reach out to all, with particular sensitivity to the problems of women.

We will meet in Belgrade later this year to review implementation of the Final Act of the Conference on Security and Cooperation in Europe—the so-called Helsinki conference. We will take this occasion to work for progress there on important human issues: family reunification, binational marriages, travel for personal and professional reasons, and freer access to information.

The United States looks to use of economic assistance—whether bilateral or through international financial institutions—as a means to foster basic human rights.

- We have proposed a 20 percent increase in U.S. foreign economic assistance for Fiscal Year 1978.
- We are expanding the program of the Agency for International Development for "new initiatives in human rights" as a complement to present efforts to get the benefits of our aid to those most in need abroad.
- The programs of the U.S. Information Agency and the State Department's Bureau of Educational and Cultural Affairs stress support for law in society, a free press, freedom of communication, an open educational system, and respect for ethnic diversity.

This Administration's human rights policy has been framed in collaboration and consultation with Congress and private organizations. We have taken steps to assure firsthand contact, consultation, and observation when members of Congress travel abroad to review human rights conditions.

We are implementing current laws that bring human rights considerations directly into our decisions in several international financial institutions. At the same time, we are working with the Congress to find the most effective way to fulfill our parallel commitment to international cooperation in economic development.

In accordance with human rights provisions of legislation governing our security assistance programs, we recently announced cuts in military aid to several countries.

Outside the Government, there is much that can be done. We welcome the efforts of individual American citizens and private organizations—such as religious, humanitarian, and professional groups—to work for human rights with commitments of time, money, and compassion.

All these initiatives to further human rights abroad would have a hollow ring if we were not prepared to improve our own performance at home. So we have removed all restrictions on our citizens' travel abroad and are proceeding with plans to liberalize our visa policies.

We support legislation and administrative action to expand our refugee and asylum policies and to permit more victims of repressive regimes to enter the United States. During this last year, the United States spent some $475 million on assistance to refugees around the world, and we accepted 31,000 refugees for permanent resettlement in this country.

What results can we expect from all these efforts?

We may justifiably seek a rapid end to such gross violations as those cited in our law: ". . . torture, or cruel, inhuman or degrading treatment or punishment, or prolonged detention without charges. . . ." Just last week our Ambassador at the

United Nations, Andrew Young, suggested a series of new ways to confront the practice of torture around the world.

The promotion of other human rights is a broader challenge. The results may be slower in coming but are no less worth pursuing, and we intend to let other countries know where we stand.

We recognize that many nations of the world are organized on authoritarian rather than democratic principles—some large and powerful, others struggling to raise the lives of their people above bare subsistence levels. We can nourish no illusions that a call to the banner of human rights will bring sudden transformations in authoritarian societies.

We are embarked on a long journey. But our faith in the dignity of the individual encourages us to believe that people in every society, according to their own traditions, will in time give their own expression to this fundamental aspiration.

Our belief is strengthened by the way the Helsinki principles and the UN Declaration of Human Rights have found resonance in the hearts of people of many countries. Our task is to sustain this faith by our example and our encouragement.

In his inaugural address, three months ago, President Carter said: "Because we are free, we can never be indifferent to the fate of freedom elsewhere." Again, at a meeting of the Organization of American States two weeks ago, he said: "You will find this country. . . eager to stand beside those nations which respect human rights and which promote democratic ideals."

We seek these goals because they are right, and because we too will benefit. Our own well-being, and even our security, are enhanced in a world that shares common freedoms and in which prosperity and economic justice create the conditions for peace. And let us remember that we always risk paying a serious price when we become identified with repression.

Nations, like individuals, limit their potential when they limit their goals. The American people understand this. I am confident they will support foreign policies that reflect our traditional values. To offer less is to define America in ways we should not accept.

America fought for freedom in 1776 and in two World Wars. We have offered haven to the oppressed. Millions have come to our shores in times of trouble. In time of devastation abroad, we have shared our resources.

Our encouragement and inspiration to other nations and other peoples have never been limited to the power of our military or the bounty of our economy. They have been lifted up by the message of our Revolution, the message of individual human freedom. That message has been our great national asset in times past. So it should be again.

A. Toward a U.S. Policy

5. REASONS FOR NOT RATIFYING HUMAN RIGHTS CONVENTIONS

John Foster Dulles' Testimony to Senate Judiciary Committee's Subcommittee
April, 1953

"I do not believe that treaties should, or lawfully can, be used as a device to circumvent the constitutional procedures established in relation to what are essentially matters of domestic concern..../The United States should/ favor methods of persuasion, education and example, rather than formal undertakings which commit one part of the world to impose its particular social and moral standards upon another part of the world community which has different standards. We do not ourselves look upon a treaty as the proper and most effective way to spread throughout the world the goals of human liberty to which this nation has been dedicated since its inception."

Testimony of Eberhard Deutsch (American Bar Association's Standing Committee on Peace and Law Through United Nations) To Senate Foreign Relations Committee
September, 1967

"Generally speaking, there have been three points of view as to these treaties:

1. That all three of the treaties should be disapproved by the Senate of the United States. This position is based on various grounds, principal among them being that the treaties do not deal with matters of genuine international concern, but invade the domestic jurisdiction of the United States, and disturb the constitutional relationship of the state and federal governments to each other.
2. That all of the treaties be approved as carrying out an assertedly modern concept of bringing all matters of human rights properly into the international domain.
3. That one or two of the treaties be approved as falling generally within international jurisdiction, while disapproving the other or others on the ground that their subject-matters belong exclusively within the domestic arena.

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The human rights movement had its genesis in world reaction to Nazi atrocities before and during the Second World War. That reaction sparked and motivated the provisions of the Charter of the United Nations guaranteeing promotion of 'universal respect for, and observance of, human rights and fundamental freedoms for all.'

In 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, in implementation of the Charter provisions. Difficulties have arisen in the United States out of persistent efforts, since that time, to translate the provisions on human rights in the domestic sphere, of the Universal Declaration, into a series of treaties having binding effect in international law subject to international adjudication....

In the United States, we have long since established much higher standards in the bills of rights to our federal and state constitutions, than those sought to be drawn out of the domestic field into the international domain; and the real question is simply as to whether the ephemeral tissue of international ideals should be substituted for the enduring fiber of our domestic constitutional limitations."

From: "Pitfalls of the Genocide Convention," Orie Phillips and Eberhard Deutsch, American Bar Association Journal, July, 1970.

In the final analysis, the prohibition of genocide by treaty must become an exercise in futility. Adolf Hitler would hardly have restrained the frightful acts of genocide that gave rise to the convention, even if it had been in existence and Germany had been a party to it during the Nazi reign of terror. The Soviet Union and her Communist-bloc allies were not deterred from the 1968 invasion of Czechoslovakia by the nonaggression provisions of the Charter of the United Nations.

The Genocide Convention places in the hands of nations whose peoples have never known the freedoms guaranteed under our Constitution the power to judge whether those freedoms are being protected properly within our domestic borders.

It is submitted that an international convention whose provisions may be invoked in an international forum when an individual commits a crime within the domestic jurisdiction of that state would cause far more friction between peoples and governments than does the evil it seeks to correct, and would tend to promote war rather than to maintain international peace and security within the letter and spirit of the Charter of the United Nations.

From: "Don't Ratify the Human Rights Conventions," John M. Raymond, American Bar Association Journal

Even granting, for the sake of argument, that the treaties /on forced labor and the political rights of women/ might bring about the desired result in certain countries, this in no way explains why the U.S. should become a party to them. We have long since granted these rights to our own people. Our ratification would have no effect, legal or otherwise, which would have this result in other countries. These reforms can only be brought about by domestic action of each country concerned.

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All that would be accomplished by our becoming a party to either of the conventions would be that we would acquire a right to assert a legal claim against another party that was in default of its obligations under the treaty, should an erring and reluctant nation chance to become a party thereto. It is hard to believe that the U.S. would ever rely upon legal pressure to secure social and political reforms within a foreign country unwilling voluntarily to make the changes. This would hardly be a procedure designed to improve the climate for American interests in that country.

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We should neither ratify nor encourage the drafting of such legal documents, but we should use our influence to secure common acceptance of sound principles in the field of human rights, to educate the newer countries about their value and to persuade them to eliminate objectionable practices.

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We are told that we must take the lead in this great movement to promote human rights, not only by advocating the granting of them and explaining their value but by becoming a party to all such conventions. The fact is that our ratification would not bring about any change in the objectionable practices. On the contrary, what it would do would be to make us a party to treaties that run directly contrary to our traditional practice and long-standing constitutional doctrine regarding the use of treaties. Our ratification would move into the international sphere matters which have always been considered to be clearly domestic. It is obvious that there are countless matters which may thus be dealt with once the trend is started.

EVERYDAY REALITY IN THE CAPITALIST WORLD'S LEADING POWER

BY JUANA BERGES

THE DECLARATION of Human Rights, proclaimed by the UN in the 1940s, states in Article 12 that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation."

Article 21 states that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives."

Article 23 states that "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."

Article 25 states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."

Article 28 states that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

The United States, now bent on presenting itself as a champion of human rights on a worldwide scale, is demonstrating in everyday life that imperialist society does not in any way guarantee the above-mentioned postulates.

The Watergate scandal brought to light the vast network of espionage and the violations of individual rights by the U.S. organs of power.

More recently, in February 1977, the Social Coalition against Government Espionage denounced the government for financing infiltration into U.S. radical organizations so as to get to know their aims and destroy them from within.

The same source affirmed that a similar policy (which does not discard murder) is being applied to national ethnic minority groups.

The Coalition recalled the fact that the FBI had planned and carried out the elimination of such leading fighters as Fred Hampton, Mark Clark and Ward Larry.

The United States brags about the "freedom" with which the governmental representatives are elected in the imperialist society, in keeping with the UN Charter on Human Rights. However, this myth is being blown to smithereens by politicians and by figures that speak for themselves.

President Dwight Eisenhower himself said in 1968 that the United States had let the dollar sign come to rule over public service and that many capable men who would have liked to hold government posts could not face up to what that entailed.

Shortly afterwards, Russell Long, chairman of the U.S. Senate finance committee, had to admit that nearly 95 percent of the funds earmarked for congressional election campaigns came from businessmen; that at least 80 percent of these funds came from people who could sign a net value statement for more than a quarter of a million dollars; that many businessmen helped legislators who had passed bills to cut down the power of trade unions; and that other businessmen helped legislators whose votes freed them from having to pay minimum wages or taxes.

The Watergate scandal made it clear that the power of the dollar is the real political power in the United States.

Nixon and his vice-president, Spiro Agnew, were elected with the "no-strings-attached" support of a quarter of a million dollars provided by Dupont, more than 216 000 dollars donated by Pew, close to 153 000 given by Rockefeller and more than 100 000 from the Mellon family.

This is the way the machinery of the solid financial-political establishment, where electoral freedom is measured in terms of money, is run.

Articles 23 and 25 of the UN Charter on Human Rights proclaim the right of all citizens to work and social well-being.

The unemployment rate in the United States in 1976 and early 1977 was 7.9 percent. Practically 50 percent of the figure includes workers under 25, in other words, young proletarians.

In the same period, the unemployment rate increased twofold in 150 cities with populations of over 50 000.

The skyrocketing prices of basic products forced thousands of people to become consumers of food for animals because it was more within the reach of their income. Medical care expenses doubled as compared with 1975 and the lack of a big enough budget forced the closedown of hundreds of educational centers.

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A rate of 400 strikes per month in 1975 was the U.S. workers' response to the U.S. Government's "defense of human rights."

In the international sphere, the United States — openly violating Article 28 of the UN Charter on Human Rights — is working hard toward the establishment of a social order in which the rights and freedoms proclaimed by the UN Declaration will NOT be a reality.

Today, in spite of all the timid considerations with regard to cutting down on military aid to certain nations for "humanitarian" reasons and other reformist measures, U.S. financial organizations are studying the granting of new loans to Pinochet's Chile, and the official tactic of supporting and strengthening such regimes as those of Iran, Saudi Arabia, Israel, South Africa and Rhodesia — imperialist spearheads against national liberation movements in their respective areas — is being maintained.

While the United States is consumed in the crisis and thousands of human beings the world over are the victims of hunger, sickness and poverty, Washington okays a military budget to the tune of 120 300 million dollars for the benefit of the war industry and against the people's most cherished aspirations for peace.

With a record such as this — so typical of their exploitative and aggressive nature — the U.S. imperialists have the gall to present themselves as champions of human rights. However, the truth can no longer be hidden behind such claims and, to all mankind, capitalism and those who serve it will enter the pages of history as the "undefendable defenders."

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B. From the Communist World

COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS
of the WORLD COUNCIL OF CHURCHES

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Human Rights Background Paper

2.....Human Rights in the European Socialist States:

by Bernard Jarzynka*
(Translation from the French by DCE)

1. The human rights ensemble may be divided into three main groups of rights and freedoms:
   a. basic rights and freedoms concerning man's existence–"the rights to life"; here are to be found the rights to life, to freedom of movement, inviolability of the human person, personal security, etc.;
   b. civil and political rights–e.g., the rights of citizenship, to property, marriage, etc.; as well as the right to vote and be elected; the rights to freedom of thought, of speech, of conscience, of political conviction and of worship; the right to freedom of association, etc.;
   c. social and economic rights–e.g., the rights to work, to leisure, to social security, to a dignified living standard; as well as the rights to adequate health care, education, participation in cultural life, etc.

   The first two categories of rights are sometimes called the "classical" rights, while the third category comprehends the "contemporary" human rights. Taken together the three categories of rights constitute the "humanitarian patrimony of the human being."
2. Human rights correspond to objective social conditions, their character is modified as the latter change, and they are transformed under the latters' influence. The history of human rights is closely tied to the political emancipation of humanity. The attempt to fix human rights responds to the desire to determine the position of the individual in society and to make clear his place vis-à-vis the State. It is not surprising that human rights have occupied a central place in revolution, be it bourgeoise, socialist or anti-colonialist. This is a normal phenomenon which responds to objective needs, and explains the diversity of conceptions of human rights which exists.
3. International law theory today considers that human rights are the whole of political, economic, social and cultural rights of citizens. The Universal Declaration of Human Rights adopted by the UN in 1948 mentions civil, political, economic, social and cultural rights in a single document, and makes no division among the various rights. This same tendency was apparent during the International Conference on Human Rights held in Teheran in 1968. The solemn proclamation states, in paragraph 13:

   > "Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights, is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development."

   We see, therefore, that it is impossible to separate political, civil, economic and social rights, and that respect for economic and social rights is the precondition for the realizat ion of the other human rights. Without the former, political and civil rights are but declarations without a future for the great masses of human beings.
4. Human rights as conceived in the bourgeoise epoch, considered the individual above all as a property owner, possessor of merchandise, having the same influence over the market as other possessors of merchandise, and with complete liberty to enter into exchange relations with the latter. In the bourgeoise conception of human rights, the inviolability of private property is a political and civil right. It is the freedom and basic right of the bourgeoise class.

   Human rights in the socialist regime are of another nature: they are based on the elimination of private ownership of the means of production, of social property. Under these conditions, the individual is no longer detached from the State and from society. Human rights are also characterised, therefore, by the fact that the individual is no longer isolated from the State and the society, that he takes part in social and political construction, and contributes to progress which serves the common good. In other words, the freedoms of the socialist system allow the individual fully to comprehend the sense of the objective laws governing the evolution of nature and of society, either conforming with them or influencing their action. Therefore the right to work becomes, in the socialist system, a primary political freedom and right. But it would be false to take only the economic aspect into consideration. Certainly this right enters especially in the productive sphere; yet the organization of produc-

*Mr. Jarzynka, a Polish jurist, prepared this paper for the Commission of the Churches on International Affairs in August 1973. The views contained in it are those of the author, and do not necessarily reflect the position of the CCIA.

tion and of property is not just an economic problem, it is the central political question related to the construction of socialism. A person is not free fully to develop his own talents and creativity until his right to work is assured. Without this right it would be impossible to speak of freedom of personality.

5. The right to work is conceived as a demand over-against society, with a view to eliminating unemployment. It should guarantee material security to everyone, in order that the individual may enjoy the other human rights. In the socialist régime, the growth of work productivity means to attain a new living standard level and thus to strengthen the socialist society.
6. The socialist States have distinguished themselves in that they have adopted a large number of material and juridical measures for realizing the equality of women. This is particularly true with regard to the participation of women in the process of production, equality of young women in primary, secondary, technical and higher education, and the participation of women in political and social life. Though the equality of men is proclaimed in bourgeoises declarations of human rights, most say nothing about the equality of women.
7. The humanistic character of human rights in socialism is expressed in that they do not lower man to the level of individual profiteer, rather on the contrary, they see him as the builder of the society in which he lives, the builder of a peaceful society where everyone has his place, his work and his daily bread, a society which had its dawning with the Decree on Peace (1917) and which has made safeguarding peace in the world its supreme principle.

CONCLUSIONS

The constitutions and the legislation of the socialist countries guarantee citizens all the rights and freedoms provided in the Universal Declaration and in the Human Rights Covenants: personal freedom and security, equality before the law and between men and women, prohibition of slavery and of racial discrimination, right of access to tribunals and presumption of innocence, right of asylum, freedom of conscience, of association, of the press and of assembly, right to work and to education, etc.

Some of these rights, if not all, also appear in the constitutions of most countries with capitalist systems. There are, nevertheless, profound differences between socialist and capitalist states in this domain, not so much in the wording of constitutions as in the economic bases on which capitalism and socialism are built.

3. SOCIAL PROGRESS AND HUMAN RIGHTS

In our Commission some 700 delegates met and about 150 made oral and written contributions to discuss ways to further social progress and human rights. It was a particularly appropriate meeting, since 1973 marks the 25th Anniversary of the Universal Declaration of Human Rights.

We agree unanimously that conditions of peaceful coexistence and friendly cooperation among nations create a favourable climate for international and national social and democratic development, that conditions of peace and detente provide essential prerequisites for strict observance of many international treaties and agreements concluded with a view to promoting the social and democratic rights of man.

Over the past few decades, mankind has made substantial progress in this field. Nevertheless, it is a known fact that many key social problems remain unresolved, and human rights are being grossly violated and infringed upon. It is a disgrace that despite all the advancement of modern civilization half of the world's population is still undernourished and starving, more than 100 million people are jobless, and in many countries one of every two children dies before the age of seven years. Hundreds of millions of people are illiterate.

In many countries of the world, working people are divested of civil, political, social and economic rights. The rights of the trade unions are flouted. Contributing to this are steadily growing inflation, taxes and rents, inadequate health services and the absence of effective labour protection. Furthermore, there is still inequality of men and women in many countries. There is flagrant discrimination against women in respect of the whole range of human rights. Of particular importance is the inequality of access to employment and the lack of equal pay for equal work. Women are also subjected to degrading attacks on their human dignity. In many parts of the world, there also exists racial, ethnic, linguistic and religious discrimination.

We recognize that for masses of people in the world today social progress and implementation of human rights are blocked by the persistence of racist, colonial and neo-colonial domination which prevents them from building just social structures and developing their economies. Particularly intolerable is the existence of fascist and dictatorial regimes.

A further major obstacle is the policy of aggression and the arms race associated with it, which leads to enrichment of a handful of people at one pole and to mass poverty and the deprivation of rights of tens of millions of working people at the other.

Experience shows that violations of social and political rights are particularly disastrous in times of armed conflict. These appalling facts are an affront to mankind. The peoples are seeking ways to remove these obstacles to social progress and the effective observance of human rights. Needless to say, the character of social problems and ways to solve them reflect the specific features of the social system where these problems arise. Nevertheless, peoples and states with different social systems can and must cooperate in these tasks. Thus, we emphasize that the present hopeful discussions on peace and cooperation must be continued and broadened. This is an essential precondition for the prevention of global or local war, for ending the arms race and for the eradication of poverty all over the world.

We welcome the recent positive changes in international relations. The easing of world tensions now in evidence and the policy of peaceful co-existence open up new prospects for solving many problems of social progress and human rights.

The two bodies of rights contained in the 1966 UN Covenants—economic, social and cultural rights on the one hand and civil and political rights on the other are inseparable.

We are convinced that people cannot be genuinely free without possessing economic and social rights and their real guarantee, anymore than they can be free without their civil and political rights.

Importance was given by the Commission to the role of governments in securing the implementation of human rights in their own countries; for the legal obligation on states to protect and promote human rights is already to be found in the Charter of the United Nations.

But general formulations are not sufficient and the rights guaranteed must be specified and machinery for their implementation created. Accordingly one of the tasks of the World Congress must be to call for the ratification and implementation by all States of the two International Covenants and other Human Rights agreements.

This Commission is convinced that the powers of the United Nations Commission on Human Rights to make thorough studies of, or investigate consistent patterns of gross violations of human rights must be fully deployed.

A most serious widespread problem is the torture and ill treatment of prisoners and particularly of political prisoners. It has become a systematic practice in certain states. This practice now calls for universal outright denunciation.

In view of the forthcoming re-affirmation and development of international humanitarian law, it is urged that steps be taken to outlaw the use and manufacture of weapons which endanger the civilian population, and are indiscriminate in their effect on combatants and civilians alike, such as nuclear, biological, bacteriological and chemical weapons.

It is also urgent that prisoner-of-war status be extended to all members of organized resistance or liberation movements who have been taken prisoner. Measures should be taken to extend the rights of civilians during armed conflicts to ensure their life, health and property.

The Commission heard and expresses its approval of the ideas contained in the two resolutions presented by international non-governmental organizations which demand the prohibition of torture and inhuman treatment of

prisoners and insist on the respect for human rights during armed conflicts. It hopes that the Congress will make positive recommendations for action with regard to these ideas.

The right to life is inalienable for every person and should be protected by law. The Commission considered that status should proceed to the total abolition of capital punishment. Pending its total abolition, in those countries where capital punishment is not abolished altogether, it should be considered as an exceptional form of punishment to be imposed only on the decision of a court and then only for the gravest crimes such as mass murder.

Consideration was given to the right of conscientious objection especially with respect to a particular war which is considered unjust by a person subject to conscription.

There was broad agreement that of supreme urgency is the protection of the most basic right to life itself. The two greatest threats to life are undoubtedly war and mass poverty. They must be eliminated.

Yet for the human being to exist without dignity is not to live a truly human existence. The following urgent social problems are pointed out as immediate human rights tasks incumbent upon the peace forces of the world:

- to eradicate all forms of racial, ethnic, linguistic and religious discrimination, as well as discrimination on grounds of sex;
- to improve working conditions including the abolition of slave and forced labour, as well as child labour; guaranteed full employment; lower taxes; higher real wages; shorter working hours; equal pay for and treatment of women; the general improvement of the working environment;
- to improve health conditions including guaranteed adequate nourishment; free medical services; an adequate number of properly equipped hospitals; an increase in allocations for medical research;
- to improve housing conditions including increased construction of housing facilities; guaranteed inexpensive housing for everyone; controlled modernization of urban centres;
- to improve systems of social insurance including adequate protection for the aged, invalids and other people incapable of work, adequate child care centres, extension of necessary assistance to mothers; adequate facilities for leisure;
- to abolish illiteracy, improve public education including provision of free education to all, the democratisation of the educational system with particular regard to student participation.

There was general concern for the migrant workers, who in the first place should be guaranteed full employment in their own countries and in any case should enjoy full equality with the workers of the country to which they have immigrated.

The chief victims of the social oppression and repression inherent in colonial, neo-colonial and fascist systems are the workers, youth and women of the working class.

Special concern was expressed to strengthen the implementation of laws regarding refugees.

In defence of the civil and political rights of these people, actions of solidarity by the peace forces are urgently needed to support those who struggle:

- for liberation from colonial, neo-colonial and fascist domination;
- for national self-determination and democratic elections;
- for the prevention under international law of the unjust exploitation by multi-national corporations of the natural resources of weaker nations;
- to free prisoners detained for their progressive political views and actions to achieve justice, including amnesty for all those who refuse to take part in aggressive, imperialist or colonial wars;
- to abolish torture;
- for economic and political structural change, including agrarian reform;
- for full respect for democratic liberties and human rights which ensure to all the recognition and exercise of fundamental individual and collective rights, including the right to freedom and security of the individual; the right to opinion and expression; freedom of assembly and trade union rights;
- for broader material and legal guarantees for the protection of human rights, the repeal of anti-democratic laws, the reinforcement and broadening of the social and political rights of workers' organizations.

These are only the most urgent matters which require immediate concerted action, and this does not purport to exhaust the list of questions discussed in this Commission on social problems, human rights and peace.

If we are to make real, rapid progress on these matters, cooperation and coordination at many levels will be necessary, for example:

- among nations on a bilateral and multi-lateral basis, and also in fulfillment of the programmes of international organizations (UN, UNESCO, ILO, WHO and others);
- among trade unions, youth, women's, religious and other public organizations;
- among economists, lawyers, sociologists and other scientists.

This cooperation is necessarily achieved most rapidly and effectively within each given national, socio-economic, political and historical context. It is only to the extent that all the peace forces become conscious of their responsibilities to promote these aims in their own societies and jointly act upon them there that broad, international solidarity movements can be formed which can be effective. The work of this Commission shows us that movements of solidarity with those who struggle for social progress and human rights in their own societies are possible, already a fact in some cases, and can be of great assistance to people who stand against the forces of reaction. This is the only way it will be possible to realize in practice the huge potentialities of peaceful co-existence and the scientific and technological revolution in the interests of all mankind.

D. At the U.N. 1.

THE UNITED NATIONS AND HUMAN RIGHTS: THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

by

James Frederick Green*

Among the many unusual features of the United Nations Conference at San Francisco in April-June 1945 was the presence of representatives of 42 private organizations, in official association with the United States Delegation as "consultants."[1] This was the first time in history that citizens' groups had participated actively in an inter-governmental conference. The representatives of the 42 non-governmental organizations, as they are called today—or NGOs, for convenience—helped to insert into the Charter of the United Nations two subjects that had not been mentioned in the earlier Dumbarton Oaks Proposals.

The first of these innovations, Article 71, recognizing the need for citizen participation, provided that the Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations, both international and national, which are concerned with matters within its competence. The second innovation was the inclusion in the Charter of seven references to human rights and fundamental freedoms. These two unprecedented and interrelated provisions were to have a continuing impact upon the evolution of the new Organization.

The NGO representatives and a number of delegates favored the inclusion in the Charter of an "International Bill of Rights," but time did not permit the formulation at San Francisco of so complex an instrument. That task has been a continuing one over the past 32 years. Throughout the drafting of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of Racial Discrimination, and the many other international conventions concerning human rights, the non-governmental organizations played an active part in pressuring Governments and lobbying in conference corridors. The present article, devoted to the role of NGOs in the field of human rights, takes their historical contributions as a point of departure and surveys their present and future activities.

In order to understand the relationship of non-governmental organizations to human rights in the United Nations, it is essential to distinguish between the two kinds of rights that are set forth in international instruments—civil and political rights, on the one hand, and economic, social, and cultural rights, on the other. It is also essential to realize the two different kinds of implementation that are provided in these international instruments, tailoring the procedures to the kind of rights that are involved. The activities of non-governmental organizations vary widely, therefore, with regard to the two different kinds of rights that are being promoted and protected. This article thus endeavors to tie together the two categories of rights and implementation with the action being taken at present, and that should be taken in the future, by non-governmental organizations concerned with fostering human freedom.

Two Kinds of Rights

Throughout its pioneering efforts over the past 32 years to codify, promote and protect human rights, United Nations organs have had to take account of the differing attitudes of Governments about the nature of the older civil and political rights and the newer economic, social, and cultural rights. During the drafting of the Universal Declaration of Human Rights, 1946-1948, the Western countries emphasized "the rights of man," long established in their tradition. They did not deny the importance of other categories of rights; indeed, they had included "freedom from want" as one of the wartime Four Freedoms, and the United States had recognized the right to work in its Full Employment Act of 1946. Both the Communist countries and the non-aligned countries argued that economic, social, and cultural rights were more important and more urgent. To the hungry slum-dweller or the hungry peasant, they asserted, the right to eat was of more immediate significance than the right to due process of law. The result was a synthesis: a document that combined the two sets of rights.

Articles 2 to 21 of the Universal Declaration specify that everyone has certain civil and political rights: the right to life, liberty, and security of person; freedom from slavery; equal protection of the law; effective remedy for acts violating his rights; freedom from arbitrary arrest, detention, or exile; right to be presumed innocent until guilty; right to privacy; freedom of movement; right to asylum; right to a nationality; equal rights in marriage; right to own property; freedom of thought, conscience, and religion; freedom of opinion and expression; freedom of peaceful assembly and association; and right to take part in the government.

Articles 22 to 28 state that everyone has the right to social security; right to work; right to just and favorable remuneration; right to form and join trade unions; right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay; right to a standard of living adequate for the health and well-being of himself and his family; right to education; right freely to participate in the cultural life of the community; and right to the protection of his interests in any scientific, literary, or artistic production.

The dichotomy continued during the long effort, 1949-1956, to translate the Universal Declaration into treaty form. The West reiterated its insistence that economic, social, and cultural rights were not justiciable: they could not be guaranteed by international treaty and national legislation and enforced by courts. The East, and increasingly the newly independent developing countries, argued that these rights are equally susceptible of codification. The result was another synthesis: two separate conventions, each setting forth the provisions of the Universal Declaration at greater length, more detail, and more precise legal language.

The decision to draft two separate Covenants recognized that the two sets of rights were equal in significance but different in character. This distinction in the nature of the two sets of rights is made clear in Article 2 of both Covenants:

Civil and Political Rights. "Each State Party to the present Covenant undertakes to respect and ensure to all individuals . . . the rights recognized in the present Covenant . . ."

Economic, Social, and Cultural Rights. "Each State Party to the present Covenant undertakes *to take steps . . . with a view to achieving progressively* the full realization of the rights recognized in the present Covenant . . ." (underscoring added).

It has often been argued that these economic, social, and cultural rights are not really rights at all, merely goals, perhaps Utopian goals, for attainment in the distant future, when economic resources are available.[2] Both the Universal Declaration and the Covenant prescribe rights that are by no

[1] See Ruth B. Russell, *A History of the United Nations Charter: The Role of the United States 1940-1945*, Washington, Brookings, 1958, pp. 800-801 and 594-593.

[2] For a provocative statement of this position, see Maurice Cranston, *What are Human Rights?*, London, The Bodley Head, 1973. See also Moses Moskowitz, *International Concern with Human Rights*, Dobbs Ferry, Oceana Publications, 1974, pp. 131-133.

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nature of these rights, any procedure for handling complaints. The States Parties undertake to submit reports on the progress being made to promote these rights. The reports will be referred by the Economic and Social Council to the Commission on Human Rights and to the Specialized Agencies for consideration. Their comments will, in turn, be considered by the Economic and Social Council, which may forward recommendations "of a general nature," i.e., not about a particular State, to the General Assembly. The Council has already prescribed a timetable for the submission of these reports:

First stage, 1977 — rights covered by Articles 6-9.
Second stage, 1979 — rights covered by Articles 10-12.
Third stage, 1981 — rights covered by Articles 13-15.

The Council has also decided that States Parties to the Covenant which submit the required reports need not submit reports on similar questions under the reporting procedure, discussed above, established by the Council in 1965 for all Members of the United Nations and of the Specialized Agencies.

Heretofore, non-governmental organizations in consultative status with the Council have been able to participate, with limitations, in the consideration by the Commission of reports submitted periodically be Governments on the state of various categories of rights. Under the new reporting procedure of the Covenant, these organizations will, it is hoped, have the same privilege. Because of the provision in Article (2) that these rights will be exercised "without any discrimination of any kind," the non-governmental organizations have a new opportunity to challenge Governments on their observance of economic, social, and cultural rights. They would do well to focus attention on the extent to which the present 44 States Parties to the Covenant — especially in the 10 Communist countries and the authoritarian regimes in many of the 26 Third World countries — ensure that everyone, without discrimination of any kind, is given equal treatment in the enjoyment of the right to work, to social security, to good health, and the other rights.

Two Levels of NGO Activity

From the San Francisco Conference onward, as indicated above, non-governmental organizations for one third of a century have played an active part in the human rights field. They have helped to draft standards in the Charter and in the many subsequent international declarations and conventions and to implement the protection of human rights prescribed in those instruments. The non-governmental organizations concerned with human rights, whether on a full-time basis or only marginally, undertake two different kinds of activities: representation at the headquarters of the United Nations and of the Specialized Agencies, at world conferences, and in special programs; and operations in the field.

Headquarters, World Conferences, and Special Programs.

One of the many innovations of the United Nations, as stated at the outset, is the continuing relationship of many of its organs, albeit limited, with non-governmental organizations. The League of Nations, the International Labor Organization, and other earlier agencies maintained close contact with many private groups, but on an informal basis. In a number of League committees, representatives of private groups participated, without the right to vote, as observers or "assessors." The International Labor Organization, moreover, incorporates non-governmental ofganizations in its tripartite structure; representatives of employers and employees share the decision-making process equally with representatives of Governments.

Today, a wide variety of non-governmental organizations monitor the work of the United Nations at the headquarters in New York and Geneva. They provide a two-way channel of communication between the Organization and the public in its Member States — a flow of information and interpretation both inwards and outwards.

The need for recognizing public participation in the new Organization was provided for in Article 71 of the Charter, whereby the Economic and Social Council may make arrangements for consultation with non-governmental organizations, both international and national. The Council has developed three levels of relationship: Category I, for organizations concerned with a wide range of Council work; Category II, for those concerned with a fewer number of subjects; and the Roster, for a much larger number that have only limited interests. The Council has also prescribed strict procedures for NGO participation in its work, and that of its functional and regional commissions, through oral and written statements. There are 688 non-governmental organizations that now have some form of consultative status. Over half of these organizations are on the Roster by virtue of their consultative status with a Specialized Agency or other United Nations body, or have been placed there through action by the Secretary-General. No similar arrangements are made for NGOs concerned with political subjects, such as disarmament, peaceful settlement of disputes, and peacekeeping; here NGO activity is limited to individual lobbying. Non-governmental organizations and liberation groups concerned with apartheid and other issues in southern Africa, however, have developed close relationship with relevant UN bodies.

Some 300 non-governmental organizations are registered with the United Nations Office of Public Information: certain organizations that have been granted consultative status with the Economic and Social Council, as discussed above; and a larger number of other organizations with more general interests, and often only a peripheral concern with the United Nations. The two groups have separate vehicles in New York and Geneva for consultation among themselves: the Conference of Non-Governmental Organizations in Consultative Status with the Economic and Social Council (with the somewhat incongruous acronym of CONGO); and the Committee of Non-Governmental Organizations in Relationship with the Office of Public Information. Both groups receive the same services from the Secretariat's Office of Public Information and Center for Economic and Social Information (CESI) — weekly briefings, regular distribution of documents, and frequent film shows. In addition, the Secretariat's Department of Economic and Social Affairs has an NGO Section for liaison with the NGOs in consultative status with the Council. The Section services the NGO Committees mentioned below.

This outflow of information and interpretation is of great value in developing public support for the United Nations. The 300 non-governmental organizations associated with the Office of Public Information can reach, through national affiliates, a potential audience of 850 million people. The NGO representatives use newsletters and other modes of communication to inform their organizations, often very large, of current developments. A major agent in this activity is the World Federation of United Nations Associations (WFUNA), which now has affiliated Associations in 62 countries and maintains working relations with interested groups in many other countries. To encourage the interest and support of youth in the work of the United Nations, WFUNA established a Student Commission in 1947. Today, this agency

functions separately, but with the support of WFUNA, as the International Youth and Student Movement for the United Nations (ISMUN).

The inflow of information and interpretation is equally significant. The Conference of NGOs in Consultative Status has Committees in New York and Geneva on development, disarmament, human rights, and the United Nations Decade for Women. The New York Committee on Development has Working Groups on the following subjects: the world food problem, field level relations, environment, UNCTAD IV, and the law of the sea. In these committees, NGO representatives are able to question delegates and Secretariat officials and, individually or jointly, seek to influence them through formal memoranda and informal lobbying. Most important, they have the right to submit their views, orally or in writing, depending upon their status, to the Council and its subsidiary bodies. In addition, NGOs with specialized interests provide background papers and technical materials to offices of the Secretariat working on particular subjects.

Because of the flagrant violations of civil and political rights throughout the world and the prevalence of racial discrimination in Southern Africa, NGO activity in the human rights field has been much preoccupied with these subjects. Many organizations — e.g. Amnesty International, the International Commission of Jurists, the International League for Human Rights (nee Rights of Man), the International Committee for the Red Cross, and the World Conference on Religion and Peace — deserve commendation for their persistent efforts to spotlight violations of freedom. They report such violations not just in the three favorite targets of UN organs — Chile, Southern Africa, and Israeli-occupied territories — but elsewhere in the world.

The success of these non-governmental organizations in exposing violations of civil and political rights — e.g. arbitrary arrest, preventive detention, torture, censorship of the press — and the consequent publicity have not been without some disadvantages. The Communist States have from the beginning been less than enthusiastic about NGO activity in the field of human rights. The more active and vocal the NGOs have become in bringing allegations before the Commission of Human Rights and its Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, the more the Soviet Union and its allies have criticized and opposed the procedures for consultative status with the Economic and Social Council. In recent years they have been joined by many of the Arab and African Members, whose violations of civil and political rights have been exposed by the NGOs. In 1975, the opponents of the NGOs persuaded the Commission to adopt a resolution recommending that the Council warn the NGOs about indiscriminate activities and threaten to suspend the privileges of any who transgress the rules. The Council somewhat softened the resolution, but the NGOs were effectively put on notice. In the Council's Committee on Non-Governmental Organizations, which reviews applications for consultative status or an upgrading of status, the Soviet Union for the past several years has taken the lead in questions, criticisms, and opposition.

It is a tribute to the NGOs, however, that the General Assembly's *Ad Hoc* Committee on the Restructuring of the Economic and Social Sectors of the United Nations System has recommended that NGO relationships not only with the Economic and Social Council but also with organizations of the whole system and with world conferences should be improved. As a stimulus, a group of NGOs has submitted a statement noting that at each session of the General Assembly the seven Committees and the Plenary adopt resolutions requesting assistance from the NGOs and making detailed proposals for making that assistance more widespread and effective.

Many other bodies within the United Nations system are also concerned with the promotion of economic, social and cultural rights. The scope of this NGO activity is too broad and too interconnected with economic and social development in the developing countries to be discussed in detail. At least one half of the international NGOs in consultative status with the Economic and Social Council are professional and scientific agencies, whose special interests place them in consultative status with one of the special programs of the United Nations or with one or another of the Specialized Agencies.

Within the United Nations itself, four special programs have proved of such interest to non-governmental organizations that separate arrangements for consultative status have been developed by each: The United Nations Conference on Trade and Development (UNCTAD); the United Nations Development Program (UNDP), the United Nations Environmental Program (UNEP), and the United Nations Children's Fund (UNICEF). As the oldest of these programs, the relationship of UNICEF to non-governmental organizations warrants a brief summary.

UNICEF. Dependent entirely upon voluntary contributions, official and unofficial, UNICEF has a special need for enlisting the cooperation of non-governmental organizations. Of UNICEF's total revenues of $140.0 million in 1975, an indispensable $13.4 million came from NGO contributions, including Halloween campaigns, television appeals, and other collections, and $8.7 million from the sale of greeting cards.

As early as 1949, an Advisory Committee of International Non-Governmental Organizations was established, consisting of 13 organizations having consultative status with the Economic and Social Council. In 1952, the Committee was reconstituted as the Non-Governmental Organizations Committee on UNICEF. Today, the Committee has 100 members. In addition, UNICEF has National Committees in thirty, mostly developed, countries to inform the public about the needs of children and to raise money for UNICEF activities.

An increasingly important relationship between UNICEF and the NGOs is their collaboration in many of the UNICEF programs, including child health, water supply, education, child nutrition, social services, and emergency relief. One current example, in Kenya, is cited below in the discussion of NGO activities in the field.

Specialized Agencies. Similar arrangements for consultative status have been devised for NGOs, many of them professional and scientific organizations, by the principal Specialized Agencies concerned with economic, social, and cultural development: Food and Agricultural Organization of the United Nations (FAO); International Labor Organization (ILO), United Nations Educational, Scientific, and Cultural Organization (UNESCO), United Nations Industrial Development Organization (UNIDO), and World Health Organization (WHO).

World Conferences. Within the past decade, a new form of NGO activity has developed: participation in world conferences on specific subjects. From the Teheran Conference on Human Rights in 1968 to the Stockholm Conference on the Environment in 1972, the Rome Conference on Food in 1974, the Bucharest Conference on Population in 1974, the Mexico

* "The Council should review and strengthen its consultative relationships with the non-governmental organizations, taking fully into account the requirements of the Declaration and Programme of Action on the Establishment of a New International Economic Order. The Council should also make recommendations for the rationalization and harmonization of the arrangements for consultations with the non-governmental organizations by the organizations of the United Nations system as a whole and in the context of *ad hoc* world conferences." A/AC.179/L.10/Rev. 1, Annex A, p. 4, Nov. 22, 1976.

means enjoyed even in the United States. The right to work was not enjoyed by the 7.5% unemployed in the working force in February 1977; the right to an adequate standard of living, by the 12 per cent below the poverty level; the right to take part in cultural life, by most of the foregoing underprivileged. If these rights are not guaranteed to all the citizens of the wealthiest country of the world, the critics ask, how can they be guaranteed to all the citizens of most disadvantaged countries of the world?

There is no easy answer to these questions, except to state that the world community has recognized the whole spectrum of rights, though different in character and realization, to be of equal validity.[3]

The adoption of the Universal Declaration of Human Rights in 1948, without dissent, and the coming into force of the International Covenant on Economic, Social, and Cultural Rights in 1976 would seem to give the right to work the same status as the right to vote.[4]

Whatever the objections to economic, social, and cultural rights on philosophical or legal grounds, the United Nations for over three decades has proceeded on the assumption that they are genuine human rights and are to be accorded the same dignity and urgency as civil and political rights. The General Assembly, the Economic and Social Council, the Commission on Human Rights, and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities debate every year the promotion and protection of economic, social, and cultural rights and make recommendations to Member States concerning them. A comprehensive survey of these rights, their status in Member States, and the role of the United Nations, the Specialized Agencies, and other intergovernmental organizations in promoting these rights, was published in 1975.[5] Indeed, the continuing debates in the General Assembly, especially in its Sixth Special Session, 1974, and Seventh Special Session, 1975, over international cooperation for economic development and the formation of a New International Economic Order are, in a sense, a recognition of the validity of economic, social, and cultural rights.

The two sets of rights have been combined, moreover, in the reporting system established by the Economic and Social Council. States Members of the United Nations and members of the Specialized Agencies have been invited to submit periodic reports every two years on one of the following subjects: (1) civil and political rights, (2) economic, social, and cultural rights, and (3) freedom of information. In 1975, the *Ad Hoc* Committee on Periodic Reports of the Commission on Human Rights considered reports received under category (2); and, in early 1977, reports received under category (3).[6]

The two sets of rights are linked by the identical provision in each Covenant that they are to be enjoyed without discrimination of any kind as to "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Not only must civil and political rights be enjoyed without discrimination, a principle long accepted though not always practiced, but also economic, social, cultural rights must be similarly enjoyed, a principle probably even more difficult to effect in practice.

The promotion of economic, social, and cultural rights is therefore to be measured both quantitatively and qualitatively. For example, in the United States, not only were some 7.5 per cent of the work force unable in February 1977 to enjoy the right to work, the proportion of unemployment was much higher among women than men and among Blacks than among Whites. In 1975, men who worked full time all year had median earnings of $12,760, while comparable women had median earnings of $7,500.[7] Or, to take another example, in the Communist countries, the test is not only whether economic, social, and cultural rights are guaranteed by the State, as indeed they are, but whether they are enjoyed equally by all citizens regardless of religion, party membership, and national or ethnic origin.

Two Forms of Implementation

Difficult as has been the process of formulating human rights in treaty form, the task of implementing those rights has been even more tortuous. Governments, which violate the rights of citizens or permit their violation, do not welcome exposure and criticism of their actions. Nevertheless, the Commission on Human Rights and its Sub-Commission on the Prevention of Discrimination and the Protection of Minorities have been authorized to receive and examine, in private, communications from individuals and groups alleging violations of rights and to report to the Economic and Social Council any patterns of gross and consistent violations. The Commission and Sub-Commission conduct their reviews of complaints in secrecy; but it may be assumed that most complaints relate to civil and political rights. These two bodies have reportedly considered a number of situations, but so far they have made no reports to the Council about particular countries.

More progress is apparently being made at present through another procedure available to the Commission and the Sub-Commission—the studies of specific rights, based upon information supplied by Governments, non-governmental organizations, the press, and other sources. The studies, undertaken by Special Rapporteurs, include such subjects as slavery and practices akin to slavery, migrant workers, alien residents, indigenous peoples, and ethnic, religious, and linguistic minorities. The Special Rapporteurs are free to name countries believed to be violating a particular right.

The distinction between civil and political rights, on the one hand, and economic, social, and cultural rights, on the other, is manifest in the two different kinds of implementation provided in the two Covenants.

The International Covenant on Civil and Political Rights, ratified so far by 44 States, provides three methods of implementation. First, each State Party is obliged to submit a report on the progress being made to promote and protect these rights; and these reports are to be examined by a Committee of 18 experts, elected by the States Parties. The election was held on September 20, 1976, and the Committee held its first session in April 1977. Second, one State Party may file a complaint against another State Party, provided that both have accepted this procedure; and the complaint will be reviewed by the Committee of 18. Third, under the Optional Protocol to the Covenant, ratified to date by 15 States, the States Parties agree that the Committee of 18 may consider complaints from individuals.

The International Covenant on Economic, Social, and Cultural Rights, ratified so far by 46 States, omits, because of the

[3] For persuasive arguments that economic, social, and cultural rights are, indeed, human rights, see Vernon Van Dyke, *Human Rights, the United States, and World Community*, New York, Oxford Press, 1970, pp. 52-76; and Roger S. Clark, "Some Jurisdictional Questions on Economic, Social & Cultural Rights", in *Report: Human Rights Committee; Conference of Non-Governmental Organizations in Observance of the Universal Declaration of Human Rights; December 10, 11, 12, 1973.*

[4] "After 30 Years: An International Bill of Human Rights: Covenant on Civil and Political Rights and Covenant on Economic, Social and Cultural Rights", *United Nations Chronicle*, Vol. 13, pp. 50-52, April 1976.

[5] Manouchehr Ganji, Special Rapporteur of the Commission on Human Rights, *The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress*, 1975, UN Sales No. E.75.XIV.2.

[6] "Report of the *Ad Hoc* Committee on Periodic Reports", E/CN.4/1226, Feb. 10, 1977.

[7] Shelia B. Kamerman, "Needy American Women, Waiting for Equity," *The New York Times*, Feb. 19, 1977, p. 23.

Conference on the International Women's Year in 1975, the Vancouver Conference on human settlements and UNCTAD IV at Nairobi in 1976, hundreds of NGO representatives, outnumbering the delegates, participated in parallel forums or tribunes, published daily newspapers, and consulted with delegations in an effort to influence their positions. Similar activities took place at the Sixth and Seventh Special Sessions of the General Assembly, on international cooperation and economic development, in April 1974 and September 1975, respectively. During the Seventh Special Session, more than 500 registered participants representing 165 non-governmental organizations participated in a forum at which delegates and observers exchanged views. Finally, similar activities occurred at the Water Conference in Mar del Plata, Argentina, 1977, and will take place at the Desertification Conference at Nairobi, 1977, and the Science and Technology Conference, 1979.

In addition, the non-governmental organizations are concerned in longer-term activities, such as International Women's Year in 1975, the Decade for the Elimination of Racial Discrimination, which began in December 1973, the International Year of the Child in 1979, and the United Nations Decade for Women: Equality, Development, and Peace, 1976-1985. World conferences were included in the first two programs, but not in plans for the Year of the Child.

Over the past three years, thanks to contemporary communications, NGO representatives in a number of cities in the United States, Canada, and Western Europe have been able to maintain daily contact with their counterparts at the site of world conferences. A computer-based telephone and teletype network provided exchanges of messages with the conferences at Bucharest, Mexico City, Vancouver and Nairobi. A similar network was arranged for the Water Conference in Argentina on March 14-25, 1977.

Operations in the Field. Long before the League of Nations or the United Nations came into existence, voluntary agencies — as they were called before the more precise but less euphonious phrase, non-governmental organizations, was invented — were active not only in their home countries in North America and Western Europe but also in foreign areas, including the many dependent territories. There are at least "57 Varieties" of non-governmental organizations: religious agencies (Catholic, Protestant, and Jewish), women's organizations, educational institutions, charitable groups, social welfare agencies, economic development agencies, disaster relief and emergency feeding groups, *et cetera ad infinitum.* Many of these organizations are grouped together under international "umbrella" agencies, such as the International Council of Voluntary Agencies, the International Council on Social Welfare, the International Union of Family Organizations, the World Confederation of Organizations of the Teaching Profession, *et cetera ad infinitum.*

These NGOs, both international and national, undertake a vast range of activities, mostly unpublicized except perhaps within their own memberships, that promote economic, social, and cultural rights throughout the world, especially in the developing countries. These activities cover such varied fields as the following: disaster relief (e.g. Bangladesh and Sahelian Africa); public health; population control; maternal and child health; educational and vocational training; housing; and technical assistance of many kinds. Many NGOs seek through their programs to help those whose rights are in jeopardy, such as the poor, the refugees, the handicapped, women, and children. Increasing attention is being given to the rural poor, who are often overlooked in economic development programs, and to persons living in inaccessible areas, remote from the goods and services available to urban dwellers. Cultural rights, which usually are overlooked in this trilogy of rights, are being promoted through programs to perpetuate handicrafts and other local cultural activities.

In the field, there are several categories or organizations. First, there are some that are oversea branches of NGOs with headquarters in the United States or some other industrialized country. Second, there are others that are national affiliates of international NGOs, with varying degrees of dependence upon the international headquarters for money and program. Third, there are national organizations without any ties with either a national or an international headquarters. Some of the international NGOs and national NGOs in the developed countries transfer funds and goods to the developing countries; others engage in consultation and technical assistance.

The transfer of resources from the developed countries to the developing countries is usually measured by the bilateral and multilateral aid provided by Governments. Less publicity is given to the international aid provided by the non-governmental organizations, totalling approximately $1 billion a year. In 1975, 94 non-governmental organizations in the United States alone contributed $597 million in cash, supplies, and equipment to oversea programs. These impressive sums, donated in the developed countries by millions of individuals through their voluntary agencies, in addition to the small share of their taxes devoted to foreign aid programs, is of course augmented by personal contacts and assistance offered by the headquarters and field staffs of the non-governmental organizations.

One relatively new variety of NGO activity is the oversea volunteer programs, some sponsored by Governments, like the Peace Corps initiated by the United States, and others by non-governmental organizations, with or without official funding. By 1973, these volunteers constituted an estimated 20 percent of the nearly 100,000 technical assistance personnel serving in the developing countries.

The presence of representatives of both intergovernmental agencies and non-governmental organizations in the same developing country, often working on identical or related problems, has created an obvious need for coordination both at headquarters and in the field. In recent years, increasing effort has been made toward consultation and coordination by UNDP, UNICEF, the Specialized Agencies, and the non-governmental organizations. In 1973, there was held at the UN Headquarters in New York the first of a series of formal consultations of this kind. More recently, UNDP has been sending detailed guidelines to its Resident Representatives in the developing countries about coordination of activities with the NGOs operating there. These efforts have reportedly done much to remedy the lack of communication that frequently existed in a particular country between the representatives of intergovernmental organizations and those of non-governmental organizations, and among the NGO representatives themselves.

A new and promising approach to collaboration among official and unofficial agencies is currently being undertaken in Kenya. An NGO Sub-Committee, representing 18 international non-governmental organizations, developed, with the cooperation and support of UNICEF, a project for the advancement of the women of Kenya. The main objective of the

project is to increase the availability of safe water to the rural women as a contribution to the Government's Water Program for providing safe water to every Kenyan household by the year 2000. With the assistance of the Ministry of Health, UNICEF officials and 22 NGO representatives are working together with the women of local communities to provide better water supplies and water protection and purification, as well as education in maintenance of water equipment and related matters.

Two Areas of Future Action

Non-governmental organizations vary so greatly in size, resources, and interests that it is impossible to offer any recommendations for future action that would be appropriate for all of them. With some hesitation, therefore, a few suggestions are outlined for action by international NGOs in the United Nations and by national NGOs in the United States.

In the United Nations. Perhaps it would suffice to say that international NGOs represented at the United Nations — in New York, Geneva, and regional offices — should continue to do "more of the same." Many of these organizations are preoccupied with their own special interests — religious, professional, business, labor, or whatever — and are only peripherally concerned with the United Nations in general and with human rights in particular. Others have become disenchanted with the United Nations, the ILO and UNESCO in recent years because of the alleged "politicization" of those intergovernmental organizations and their actions on Middle East issues.

What is needed today is for NGOs that have lost interest or reduced activity in United Nations affairs to reverse course and give the Organization the attention and support that it deserves. The Carter Administration, to its credit, is reversing the official course by its statements; its appointments; its reception of the Secretary-General on February 25, as the third official visitor to Washington, following the President of Mexico and the Prime Minister of Canada; and, on March 17, the address of President Carter at the United Nations. The NGO community should note these encouraging developments, after a decade of official neglect, and should take heart from the fact that three of its ablest representatives have been appointed to high posts in the United Nations field: Andrew J. Young, Jr., (Southern Christian Leadership Conference) Permanent Representative to the United Nations; James F. Leonard (United Nations Association of the U.S.A.), Deputy Permanent Representative; and Charles William Maynes (Carnegie Endowment for International Peace), Assistant Secretary of State for International Organization Affairs.

In the protection of human rights, non-governmental organizations should continue to monitor actions of Governments everywhere and to report violations of freedom wherever they occur. Non-governmental organizations, and the press, are the safeguards of the liberty of the citizen against his or her Government. With respect to both civil and political rights and to discriminatory practices in the enjoyment of economic, social, and cultural rights, the NGOs have a major role to play. Their submissions, orally or in writing, to the Economic and Social Council, the Commission on Human Rights, and the Sub-Commission can bring needed pressure to bear upon Governments. In doing so, the NGOs must of course act with discretion and be able to document their allegations, lest their privileges be reduced, and they must deal with equal fairness with all countries.

In the promotion of human rights, perhaps the non-governmental organizations need to give more attention to economic, social, and cultural rights. The work of the United Nations system for economic and social development — through UNDP, UNEP, UNICEF, and the Specialized Agencies, including the World Bank — is, in effect, as indicated above, the promotion of economic, social, and cultural rights. The NGOs can continue to encourage and assist this work at the headquarters and in the field. In particular, they can strengthen their affiliates where they exist in developing countries, and help create new ones where they do not.

In the United States. National non-governmental organizations in this country are engaged in a wide range of activities, either independently or as part of international NGOs, in both representation at headquarters and in field operations. The advent of the Carter Administration, with its strong emphasis upon human rights, primarily civil and political rights at the outset, offers an unparalleled opportunity to the American NGOs to enlarge these activities. At the top of the agenda should be action to obtain United States adherence to the principal international conventions in this field. Here the record of the United States is poor, in contrast to that of the Communist countries and many others with authoritarian Governments. The position of the United States as a champion of human rights would be enhanced, if this country became a party to at least some of the principal conventions that the world community has adopted as part of international law.

Priority might well be given to action on two fronts: in the Senate, to obtain approval of the Genocide Convention, 1948; and in the White House, to obtain signature of the two International Covenants and transmission to the Senate of the previously-signed International Convention on the Elimination of All Forms of Racial Discrimination, 1965. There are many other conventions adopted by the United Nations, the International Labor Organization, UNESCO, and the Organization of American States that deserve United States adherence. Rather than spread the NGO fire over too many targets, however, it would seem advisable to select only four. Ratification of the Genocide Convention, which at long last has been recommended by the Senate Committee on Foreign Relations, would have symbolic rather than practical results; but it would demonstrate dramatically the United States concern about mass violations of human rights, a phenomenon that, alas! did not end with Hitlerism. The two Covenants and the Convention on Racial Discrimination could be advocated as a package, containing all of the most important rights of every kind.

A major argument in favor of United States adherence to the three last-named conventions is that it would enable this country to play an active part in the implementation procedures provided in each instrument. Under the Covenant on Civil and Political Rights, the Committee of 18, as mentioned above, will soon be reviewing periodically the reports of the States Parties. If the United States became a Party, a national expert would almost certainly be elected in due course to the Committee of 18, where the reports of the Communist and other authoritarian States will be examined. Under the Covenant on Economic, Social, and Cultural Rights, the periodic reports will be considered in the Economic and Social Council, where the United States is already represented. If the United States became a Party, its qualification to question

and criticise the reports of others would be obviously improved. Under the Convention on Racial Discrimination, the Committee to examine reports of the States Parties, also composed of 18 experts, is already vigorously questioning the facts presented in these reports and calling for further information. If the United States became a Party, one of its experts, when elected, could query the validity of information received from authoritarian Governments.

To persuade the Executive Branch and the Senate to move forward toward acceptance of these four key conventions will require a major effort by non-governmental organizations, even though much of the past opposition of Senators and bar associations has dissipated. Such an effort will require a campaign of public information throughout the country and of lobbying in Washington. Fortunately, the NGOs, as usual, have recognized the challenge and have taken steps to meet it. A working group on human rights was recently organized in Washington to help coordinate efforts in the field. On February 4, an all-day meeting of 50 specialists in various areas of human rights was held in New York to formulate recommendations to President Carter on action needed in the Executive Branch, the Congress, and the United States Mission to promote human rights as an integral part of United States foreign policy. Among the many wide-ranging recommendations was one urging action, first, for ratification of the Genocide Convention and, thereafter, signature of the two International Covenants and their transmission with the Racial Discrimination Convention to the Senate for approval.

The recent statements of President Carter, Secretary Vance, and Ambassador Young affirming United States devotion to the cause of human rights are most welcome. New initiatives are needed on many fronts, including recognition of the significance of economic, social, and cultural rights. United States adherence to the principal international conventions about human rights would be one valuable demonstration that this country wishes its devotion to human rights to be translated into law and into action.

. . . the great problem involved in the basic ideas which underlie a declaration of human rights

is found [in relating] the social responsibilities entailed in the material and social developments of the 19th Century

to the civil and political rights earlier enunciated.

Jacques Maritain, 1947

IV. The International Bill of Rights

A. The U.S. Bill of Rights

Religious Liberty

ARTICLE I
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

ARTICLE II
A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III
No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V
No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII
In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

ARTICLE VIII
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX
The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

B. The French Declaration of the Rights of Man and of the Citizen

1. The aim of society is the common welfare. Government is established to guarantee to man the enjoyment of his natural and inalienable rights.

2. These rights are equality, liberty, security, and property.

3. All men are equal by nature and before law.

4. Law is the free and solemn expression of the general will. It is the same for all, whether it protects or whether it punishes; it may command only that which is just and useful to society; it may prohibit only that which is harmful to it.

5. All citizens are equally eligible for public office. Free people recognize no other basis of preference in their elections than virtue and talent.

6. Liberty is the power belonging to man to do anything which does not infringe upon the rights of others. It has for its principle, nature; for its rule, justice; for its safeguard, law. Its moral limit is expressed by this maxim: *do not that to any other which you wish not done to yourself.*

Rel. Liberty

7. The right of manifesting one's thoughts and opinions, either by the voice of the press or by any other means, the right of peaceable assembly, the right of free worship, may not be forbidden.

8. Security consists in the protection that society accords each one of its members for the protection of his person, his rights, and his property.

9. The law must protect both public and individual liberty against the oppression of those who govern.

10. No one must be accused, arrested, or detained except in cases determined by law and in accordance with the forms which it prescribes. Any citizen summoned or seized by the authority of the law must obey immediately; he renders himself culpable by resistance.

11. Every act directed against a person outside the cases and forms determined by law is arbitrary and tyrannical; the person against whom one attempts to execute such an act by violence has the right of forcible resistance.

12. Those who incite, expedite, sign, execute, or cause to be executed, arbitrary acts are guilty and must be punished.

13. All men being presumed innocent until proved guilty, when it becomes necessary that a person be arrested, all severity beyond that necessary to secure his person must be strictly curbed by law.

14. No one must be judged and sentenced until after a legal summons and hearing, and by virtue of a law made public before the crime. Any law that punished crimes committed before its enactment would be tyrannical; the retroactive effect given to such a law would be criminal.

15. The law must impose only penalties which are strictly and obviously necessary; the penalties must be proportionate to the crime, and in themselves useful to society.

16. The right of property is the right which belongs to every citizen to enjoy, and at will to dispose of, his goods, his revenues, and the fruit of his labor and industry.

17. No form of labor, tillage, or commerce may be forbidden to the industry of the citizens.

18. Every man may lease his servants and his time, but he may not sell himself nor be sold; his person is not a transferable property. The law does not recognize servitude; the only bond which may exist between the laborer and the man who hires him is that based on protection and gratitude.

19. No one may be deprived of the least part of his property without his consent, except when a legally certified public necessity requires it, and then only on condition of a just, pre-arranged indemnity.

Constitution of the U.S.S.R., 1935

ARTICLE 118

Citizens of the U.S.S.R. have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.

ARTICLE 119

Citizens of the U.S.S.R. have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of an eight-hour day for industrial, office, and professional workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous; by the institution of annual vacations with full pay for industrial, office, and professional workers, and by the provision of a wide network of sanitoria, holiday homes and clubs for the accommodation of the working people.

ARTICLE 120

Citizens of the U.S.S.R. have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of industrial, office, and professional workers at state expense, free medical service for the working people, and the provision of a wide network of health resorts for the use of the working people.

ARTICLE 121

Citizens of the U.S.S.R. have the right to education.

This right is ensured by universal and compulsory elementary education; by free education up to and including the seventh grade; by a system of state stipends for students of higher educational establishments who excel in their studies; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, machine and tractor stations, and collective farms of free vocational, technical and agronomic training for the working people.

ARTICLE 124

In order to ensure to citizens freedom of conscience, the church in the U.S.S.R. is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

Religious Liberty

ARTICLE 125

In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the U.S.S.R. are guaranteed by law:

a) freedom of speech;

b) freedom of the press;

c) freedom of assembly, including the holding of mass meetings;

d) freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

From Sir Bernard Pares, "Text of the New Constitution of the U.S.S.R.," in *International Conciliation*, February, 1937, Carnegie Endowment for International Peace. Reprinted by permission of the publisher.

D. *Formulation of the Nürnberg Principles*

Under General Assembly resolution 177(II), paragraph (*a*), the Law Commission was directed to "formulate the principles of international law recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal".

In pursuance of this resolution, the Commission at its first session undertook a preliminary consideration of the subject. In the course of this consideration the question arose as to whether or not the Commission should ascertain to what extent the principles contained in the Charter and Judgment constituted principles of international law. The conclusion was that since the Nürnberg principles had been affirmed by the General Assembly, the task entrusted to the Commission by paragraph (*a*) of resolution 177(II) was not to express any appreciation of these principles as principles of international law but merely to formulate them. This conclusion was set forth in the report of the Commission at its first session, and the report was approved by the General Assembly in 1949. Jean Spiropoulos was appointed special rapporteur to continue the work of the Commission on the subject.

On the basis of the report (A/CN.4/22) presented by Mr. Spiropoulos, the Commission at its second session adopted a formulation of the principles of international law recognized by the Charter and Judgment of the Nürnberg Tribunal. The text of the principles formulated follows:

Adopted by the General Assembly Dec. 12, 1950. (from Yearbook of the United Nations, 1950, P. 852)

PRINCIPLE I: Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

PRINCIPLE II: The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

PRINCIPLE III: The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

PRINCIPLE IV: The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

PRINCIPLE V: Any person charged with a crime under international law has the right to a fair trial on the facts and law.

PRINCIPLE VI: The crimes hereinafter set out are punishable as crimes under international law:

a. Crimes against peace: (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

b. War crimes: Violations of the law or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

c. Crimes against humanity: Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connexion with any crime against peace or any war crime.

PRINCIPLE VII: Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

E. EXCERPTS FROM THE UNITED NATIONS CHARTER

The charter was signed on June 26, 1945, in San Francisco at the conclusion of the UN Conference on International Organization. It entered into force for the United States on October 24, 1945. An important aim was the protection of human rights and language to that effect was incorporated in the charter, pending the preparation and adoption of a universal declaration of rights. Following are excerpts dealing with human rights.

We the Peoples of the United Nations
Determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. . .

Have Resolved to Combine Our Efforts
to Accomplish These Aims. . .

Article 1

The Purposes of the United Nations are:

. . . To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex , language, or religion. . . .

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The declaration was the work of the UN Commission on Human Rights which met in January 1947 under the chairmanship of Mrs. Franklin D. Roosevelt. The Universal Declaration of Human Rights they drew up was adopted and proclaimed by the General Assembly on December 10, 1948. It was the first effort to set common standards of achievement in human rights for all peoples of all nations.

Whereas the people of the United Nations have in the Charter affirmed their faith in fundamental human rights

in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom . . .

from the Universal Declaration of Human Rights, 1948

The International Bill of Human Rights

F. Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was commited. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

G. International Covenant on Economic, Social and Cultural Rights

Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966

Entry into force: 3 January 1976
(see article 27).

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility, to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(*a*) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(*b*) Safe and healthy working conditions;

(*c*) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(*d*) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(*a*) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(*b*) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(*c*) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(*d*) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties of the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(*a*) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(*b*) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(*a*) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(*b*) The improvement of all aspects of environmental and industrial hygiene;

(*c*) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(*d*) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(*a*) Primary education shall be compulsory and available free to all;

(*b*) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(*c*) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(*d*) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(*e*) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(*a*) To take part in cultural life;

(*b*) To enjoy the benefits of scientific progress and its applications;

(*c*) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (*a*) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(*b*) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

Article 26

PART V

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the State Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(*a*) Signatures, ratifications and accessions under article 26;

(*b*) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

H. International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966

Entry into force: 26 March 1976
(see article 49).

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(*a*) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(*b*) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(*c*) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (*a*) No one shall be required to perform forced or compulsory labour;

(*b*) Paragraph 3 (*a*) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(*c*) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (*b*), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

Religious Liberty

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Enyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (*a*) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(*b*) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(*a*) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(*b*) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(*c*) To be tried without undue delay;

(*d*) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(*e*) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(*f*) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(*g*) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(*a*) For respect of the rights or reputations of others;

(*b*) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(*a*) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(*b*) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(*c*) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the proceeding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(*a*) Twelve members shall constitute a quorum;

(*b*) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

(*a*) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(*b*) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(*a*) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(*b*) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(*c*) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(*d*) The Committee shall hold closed meetings when examining communications under this article.

(*e*) Subject to the provisions of sub-paragraph (*c*), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.

(*f*) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (*b*), to supply any relevant information.

(*g*) The States Parties concerned, referred to in sub-paragraph (*b*), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

(*h*) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (*b*), submit a report:

(i) If a solution within the terms of sub-paragraph (*e*) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of sub-paragraph (*e*) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1. (*a*) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(*b*) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(*a*) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(*b*) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(*c*) If a solution within the terms of sub-paragraph (*b*) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(*d*) If the Commission's report is submitted under sub-paragraph (*c*), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the *ad hoc* conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt within the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(*a*) Signatures, ratifications and accessions under article 48;

(*b*) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

I. Optional Protocol to the International Covenant on Civil and Political Rights

Adopted and opened for signiture, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966

Entry into force: 26 March 1976

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(*a*) The same matter is not being examined under another procedure of international investigation or settlement;

(*b*) The individual has exhausted all available domestic remedies.

This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514 (XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

(*a*) Signatures, ratifications and accessions under article 8;

(*b*) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;

(*c*) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

J.

CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

Drawn up in the immediate wake of World War II, this convention forbids States or individuals to commit acts with the specific intent to destroy, wholly or partially, a national, ethnic, racial, or religious group. The convention was adopted by the UN General Assembly in 1948; it was submitted to the U.S. Senate for advice and consent to ratification in 1949 and resubmitted in 1970. Eighty-two nations are parties to the convention, but it has not yet been ratified by the United States.

CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

THE CONTRACTING PARTIES,

HAVING CONSIDERED the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

RECOGNIZING that at all periods of history genocide has inflicted great losses on humanity; and

BEING CONVINCED that, in order to liberate mankind from such an odious scourge, international co-operation is required,

HEREBY AGREE AS HEREINAFTER PROVIDED:

ARTICLE I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

ARTICLE VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

ARTICLE VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

ARTICLE VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

ARTICLE IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

ARTICLE X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

ARTICLE XI

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Articles 13 - 19 are procedural.

The convention forbids racial and ethnic discrimination in all fields of public life. Its terms, for the most part, parallel U.S. constitutional and statutory law and policy. The convention was adopted by the UN General Assembly in 1965 and signed by Ambassador Goldberg for the United States in 1966, but it has not yet been sent to the Senate. Ninety-four nations have adhered to the convention.

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in indignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Asssembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions,

I have a dream . . .

It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed:

"We hold these truths to be self-evident that all men are created equal."

73 Martin Luther King, Jr., 1963

exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(*a*) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(*b*) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(*c*) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(*d*) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(*e*) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(*a*) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(*b*) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(*c*) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(*a*) The right to equal treatment before the tribunals and all other organs administering justice;

(*b*) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(*c*) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(*d*) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

religious Liberty

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(*e*) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

(*f*) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (*a*) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(*b*) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they

have adopted and which give effect to the provisions of this Convention: (*a*) within one year after the entry into force of the Convention for the State concerned; and (*b*) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (*a*) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (herein-after referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(*b*) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in acordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members to the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the

States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filled annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (*a*) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(*b*) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (*a*) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(*b*) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (*a*) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(*b*) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (*a*) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to

him regarding the Territories mentioned in paragraph 2 (*a*) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(*a*) Signatures, ratifications and accessions under articles 17 and 18;

(*b*) The date of entry into force of this Convention under article 19;

(*c*) Communications and declarations received under articles 14, 20 and 23;

(*d*) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

L.

Declaration on the Elimination of Discrimination Against Women

Introduction

The Declaration on the Elimination of Discrimination against Women was adopted by the General Assembly on 7 November 1967. The Declaration sets forth the principles of rights for women on equal terms with men and calls for measures to guarantee their implementation.

The work on the Declaration began in 1963 when the General Assembly noted in a resolution that there still remained considerable discrimination against women, in fact if not in law, and asked the Commission on the Status of Women to prepare a draft Declaration aimed at eliminating such discrimination. The draft text, which the Commission adopted in March 1966, was considered by the Assembly that year and sent back to the Commission for further review in the light of additional proposals and Assembly discussions. The Commission adopted a revised text in March 1967 to which the Assembly gave high priority at its twenty-second session. After accepting the recommendations of its Third Committee for further amendments to the revised text, the Assembly adopted the Declaration.

The Declaration on the Elimination of Discrimination against Women represents a milestone in the work of the United Nations to promote equal rights for men and women in accordance with the provisions of the Charter and the principles set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights. The Commission on the Status of Women may be expected in the future to concentrate its efforts on securing the full implementation of the Declaration through all the means available to it. The Commission recognizes that a first step in this direction is to spread knowledge of the provisions of the Declaration and full understanding of their meaning among men and women throughout the world.

The General Assembly,

Considering that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Considering that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including any distinction as to sex,

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations and the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

Considering that discrimination against women is incompatible with human dignity and with the welfare of the family and of society, prevents their participation, on equal terms with men, in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity,

Bearing in mind the great contribution made by women to social, political, economic and cultural life and the part they play in the family and particularly in the rearing of children,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

Solemnly proclaims this Declaration:

Article 1

Discrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity.

Article 2

All appropriate measures shall be taken to abolish existing laws, customs, regulations and practices which are dismriminatory against women, and to establish adequate legal protection for equal rights of men and women; in particular:

(*a*) The principle of equality of rights shall be embodied in the constitution or otherwise guaranteed by law;

(*b*) The international instruments of the United Nations and the specialized agencies relating to the elimination of discrimination against women shall be ratified or acceded to and fully implemented as soon as practicable.

Article 3

All appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women.

Article 4

All appropriate measures shall be taken to ensure to women on equal terms with men, without any discrimination:

(*a*) The right to vote in all elections and be eligible for election to all publicly elected bodies;

(*b*) The right to vote in all public referenda;

(*c*) The right to hold public office and to exercise all public functions. Such rights shall be guaranteed by legislation.

Article 5

Women shall have the same rights as men to acquire, change or retain their nationality. Marriage to an alien shall not automatically affect the nationality of the wife either by rendering her stateless or by forcing upon her the nationality of her husband.

Article 6

1. Without prejudice to the safeguarding of the unity and the harmony of the family, which remains the basic unit of any society, all appropriate measures, particularly legislative measures, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law, and in particular:

(*a*) The right to acquire, administer, enjoy, dispose of and inherit property, including property acquired during marriage;

(*b*) The right to equality in legal capacity and the exercise thereof;

(*c*) The same rights as men with regard to the law on the movement of persons.

2. All appropriate measures shall be taken to ensure the principle of equality of status of the husband and wife, and in particular:

(*a*) Women shall have the same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;

(*b*) Women shall have equal rights with men during marriage and at its dissolution. In all cases the interest of the children shall be paramount;

(*c*) Parents shall have equal rights and duties in matters relating to their children. In all cases the interest of the children shall be paramount.

3. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Article 7

All provisions of penal codes which constitute discrimination against women shall be repealed.

Article 8

All appropriate measures, including legislation, shall be taken to combat all forms of traffic in women and exploitation of prostitution of women.

Article 9

All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal rights with men in education at all levels, and in particular:

(*a*) Equal conditions of access to, and study in, educational institutions of all types, including universities and vocational, technical and professional schools;

(*b*) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;

(*c*) Equal opportunities to benefit from scholarships and other study grants;

(*d*) Equal opportunities for access to programmes of continuing education, including adult literacy programmes;

(*e*) Access to educational information to help in ensuring the health and well-being of families.

Article 10

1. All appropriate measures shall be taken to ensure to women, married or unmarried, equal rights with men in the field of economic and social life, and in particular:

(*a*) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment, and to professional and vocational advancement;

(*b*) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;

(*c*) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;

(*d*) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, measures shall be taken to prevent their dismissal in the event of marriage or maternity and to provide paid maternity leave, with the guarantee of returning to former employment, and to provide the necessary social services, including child-care facilities.

3. Measures taken to protect women in certain types of work, for reasons inherent in their physical nature, shall not be regarded as discriminatory.

Article 11

1. The principle of equality of rights of men and women demands implementation in all States in accordance with the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights.

2. Governments, non-governmental organizations and individuals are urged, therefore, to do all in their power to promote the implementation of the principles contained in this Declaration.

The States participating in the Conference on Security and Co-operation in Europe,

Reaffirming their objective of promoting better relations among themselves and ensuring conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security;

Convinced of the need to exert efforts to make détente both a continuing and an increasingly viable and comprehensive process, universal in scope, and that the implementation of the results of the Conference on Security and Co-operation in Europe will be a major contribution to this process;

Considering that solidarity among peoples, as well as the common purpose of the participating States in achieving the aims as set forth by the Conference on Security and Co-operation in Europe, should lead to the development of better and closer relations among them in all fields and thus to overcoming the confrontation stemming from the character of their past relations, and to better mutual understanding;

Mindful of their common history and recognizing that the existence of elements common to their traditions and values can assist them in developing their relations, and desiring to search, fully taking into account the individuality and diversity of their positions and views, for possibilities of joining their efforts with a view to overcoming distrust and increasing confidence, solving the problems that separate them and co-operating in the interest of mankind;

Recognizing the indivisibility of security in Europe as well as their common interest in the development of co-operation throughout Europe and among themselves and expressing their intention to pursue efforts accordingly;

Recognizing the close link between peace and security in Europe and in the world as a whole and conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples;

Have adopted the following:

1.

(a) Declaration on Principles Guiding Relations between Participating States

The participating States,

Reaffirming their commitment to peace, security and justice and the continuing development of friendly relations and co-operation;

Recognizing that this commitment, which reflects the interest and aspirations of peoples, constitutes for each participating State a present and future responsibility, heightened by experience of the past;

[This Declaration was negotiated at Helsinki, Finland and at Geneva, Switzerland and was concluded at Helsinki on 1 August 1975. In addition to the Declaration of Principles reprinted here there is an additional forty-three pages of text spelling out how these principles apply and calling for the Belgrade Review Conference, 1977, to assess how well all of the provisions have been implemented.]

Reaffirming, in conformity with their membership in the United Nations and in accordance with the purposes and principles of the United Nations, their full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice, and in promoting the solution of international problems, as well as the development of friendly relations and co-operation among States;

Expressing their common adherence to the principles which are set forth below and are in conformity with the Charter of the United Nations, as well as their common will to act, in the application of these principles, in conformity with the purposes and principles of the Charter of the United Nations;

Declare their determination to respect and put into practice, each of them in its relations with all other participating States, irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development, the following principles, which all are of primary significance, guiding their mutual relations:

I. *Sovereign equality, respect for the rights inherent in sovereignty*

The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence. They will also respect each other's right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its laws and regulations.

Within the framework of international law, all the participating States have equal rights and duties. They will respect each other's right to define and conduct as it wishes its relations with other States in accordance with international law and in the spirit of the present Declaration. They consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement. They also have the right to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties of alliance; they also have the right to neutrality.

II. *Refraining from the threat or use of force*

The participating States will refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration. No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle.

Accordingly, the participating States will refrain from any acts constituting a threat of force or direct or indirect use of force against another participating State.

Likewise they will refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights. Likewise they will also refrain in their mutual relations from any act of reprisal by force.

No such threat or use of force will be employed as a means of settling disputes, or questions likely to give rise to disputes, between them.

III. *Inviolability of frontiers*

The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers.

Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State.

IV. *Territorial integrity of States*

The participating States will respect the territorial integrity of each of the participating States.

Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force.

The participating States will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal.

V. *Peaceful settlement of disputes*

The participating States will settle disputes among them by peaceful means in such a manner as not to endanger international peace and security, and justice.

They will endeavour in good faith and a spirit of co-operation to reach a rapid and equitable solution on the basis of international law.

For this purpose they will use such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties.

In the event of failure to reach a solution by any of the above peaceful means, the parties to a dispute will continue to seek a mutually agreed way to settle the dispute peacefully.

Participating States, parties to a dispute among them, as well as other participating States, will refrain from any action which might aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult.

VI. *Non-intervention in internal affairs*

The participating States will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations.

They will accordingly refrain from any form of armed intervention or threat of such intervention against another participating State.

They will likewise in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind.

Accordingly, they will, inter alia, refrain from direct or indirect assistance to terrorist activities, or to subversive or other activities directed towards the violent overthrow of the regime of another participating State.

VII. *Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief*

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

VIII. *Equal rights and self-determination of peoples*

The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle.

IX. *Co-operation among States*

The participating States will develop their co-operation with one another and with all States in all fields in accordance with the purposes and principles of the Charter of the United Nations. In developing their co-operation the participating States will place special emphasis on the fields as set forth within the framework of the Conference on Security and Co-operation in Europe, with each of them making its contribution in conditions of full equality.

They will endeavour, in developing their co-operation as equals, to promote mutual understanding and confidence, friendly and good-neighbourly relations among themselves, international peace, security and justice. They will equally endeavour, in developing their co-operation, to improve the well-being of peoples and contribute to the fulfilment of their aspirations through, inter alia, the benefits resulting from increased mutual knowledge and from progress and achievement in the economic, scientific, technological, social, cultural and humanitarian fields. They will take steps to promote conditions favourable to making these benefits available to all; they will take into account the interest of all in the narrowing of differences in the levels of economic development, and in particular the interest of developing countries throughout the world.

They confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their co-operation.

They will strive, in increasing their co-operation as set forth above, to develop closer relations among themselves on an improved and more enduring basis for the benefit of peoples.

X. *Fulfilment in good faith of obligations under international law*

The participating States will fulfil in good faith their obligations under international law, both those obligations arising from the generally recognized principles and rules of international law and those obligations arising from treaties or other agreements, in conformity with international law, to which they are parties.

In exercising their sovereign rights, including the right to determine their laws and regulations, they will conform with their legal obligations under international law; they will furthermore pay due regard to and implement the provisions in the Final Act of the Conference on Security and Co-operation in Europe.

The participating States confirm that in the event of a conflict between the obligations of the members of the United Nations under the Charter of the United Nations and their obligations under any treaty or other international agreement, their obligations under the Charter will prevail, in accordance with Article 103 of the Charter of the United Nations.

All the principles set forth above are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others.

The participating States express their determination fully to respect and apply these principles, as set forth in the present Declaration, in all aspects, to their mutual relations and co-operation in order to ensure to each participating State the benefits resulting from the respect and application of these principles by all.

The participating States, paying due regard to the principles above and, in particular, to the first sentence of the tenth principle, "Fulfilment in good faith of obligations under international law", note that the present Declaration does not affect their rights and obligations, nor the corresponding treaties and other agreements and arrangements.

The participating States express the conviction that respect for these principles will encourage the development of normal and friendly relations and the progress of co-operation among them in all fields. They also express the conviction that respect for these principles will encourage the development of political contacts among them which in turn would contribute to better mutual understanding of their positions and views.

The participating States declare their intention to conduct their relations with all other States in the spirit of the principles contained in the present Declaration.

O. UNITED NATIONS DECLARATIONS ON TORTURE

3452 (XXX). Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Considering that these rights derive from the inherent dignity of the human person,

Considering also the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights[29] and article 7 of the International Covenant on Civil and Political Rights,[30] both of which provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Adopts the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the text of which is annexed to the present resolution, as a guideline for all States and other entities exercising effective power.

2433rd plenary meeting
9 December 1975

ANNEX

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

ARTICLE 1

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.[31]

2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

ARTICLE 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

ARTICLE 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

ARTICLE 4

Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

ARTICLE 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

ARTICLE 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

ARTICLE 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

ARTICLE 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

ARTICLE 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

ARTICLE 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

[29] Resolution 217 A (III).
[30] Resolution 2200 A (XXI), annex.
[31] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

ARTICLE 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

ARTICLE 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings.

3453 (XXX). Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment

The General Assembly,

Reaffirming the rejection, in its resolutions 3059 (XXVIII) of 2 November 1973 and 3218 (XXIX) of 6 November 1974, of any form of torture and other cruel, inhuman or degrading treatment or punishment,

Reiterating its conviction expressed in resolution 3218 (XXIX) that, because of the increase in the number of alarming reports on torture, further and sustained efforts are necessary to protect under all circumstances the basic human right to be free from torture and other cruel, inhuman or degrading treatment or punishment,

Welcoming resolution 4 (XXVIII) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 10 September 1975,[32]

Having considered the report of the Secretary-General[33] containing an analytical summary of the information received under paragraph 1 of resolution 3218 (XXIX),

Recalling its request to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders that it consider steps to be taken for the protection of all persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment, and to report thereon to the General Assembly at its thirtieth session,

Noting the working paper entitled "Health aspects of avoidable maltreatment of prisoners and detainees"[34] submitted by the World Health Organization to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Noting with appreciation the report of the Secretary-General prepared under paragraph 4 of resolution 3218 (XXIX),[35]

Taking into account that the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders expressed the opinion that, on the matter of elaborating an international code of police ethics, there should be further expert consideration,

Having adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, annexed to resolution 3452 (XXX) of 9 December 1975,

Believing that further international efforts are needed to ensure adequate protection for all against torture and other cruel, inhuman or degrading treatment or punishment,

1. *Expresses its appreciation* to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders for the elaboration of the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. *Requests* the Commission on Human Rights at its thirty-second session to study the question of torture and any necessary steps for:

(*a*) Ensuring the effective observance of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*b*) The formulation of a body of principles for the protection of all persons under any form of detention or imprisonment on the basis of the *Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile*[36] and the draft principles on freedom from arbitrary arrest and detention contained therein;

3. *Requests* the Committee on Crime Prevention and Control to elaborate, on the basis of, *inter alia*, the proposals submitted to and conclusions arrived at by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, a draft code of conduct for law enforcement officials and to submit this draft code to the General Assembly at its thirty-second session, through the Commission for Social Development and the Economic and Social Council;

4. *Invites* the World Health Organization to give further attention to the study and elaboration of principles of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment;

5. *Decides* to include in the provisional agenda of its thirty-first session an item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" for the purpose of reviewing the progress achieved in accordance with the present resolution.

2433rd plenary meeting
9 December 1975

[32] See E/CN.4/1180, chap. XXI, sect. A.
[33] A/10138 and Corr.1 and Add.1.
[34] A/CONF.56/9.
[35] A/10260.

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery

This convention outlaws debt bondage, serfdom, purchases of brides and exploitation of children. Adopted by the United Nations in 1956, it was submitted to the Senate in 1963 by President Kennedy, and ratified unanimously on November 2, 1967. The United States has also ratified a 1929 Convention to Suppress the Slave Trade and Slavery which was concluded under the League of Nations, and a 1953 Protocol to it.

Convention on the Political Rights of Women

This convention was adopted by the General Assembly of the U.N. in 1952. It guarantees women the right to vote in all elections on equal terms with men, without any discrimination, and that women shall be eligible for election to all publicly elected positions and shall be entitled to hold public office and to exercise all public functions established by national law on equal terms with men, without any discrimination.

Convention Concerning the Abolition of Forced Labor

This convention was adopted by the International Labor Conference of the International Labor Organizations in 1957, as a result of U.S. initiative and in response to an invitation by the U.N. President Kennedy submitted it to the Senate in 1963, but it has not been ratified. It forbids the use of forced or compulsory labor as a means of political coercion, as punishment for holding or expressing political views, as a means of labor discipline, as punishment for having participated in strikes, as a method of mobilizing labor for economic development, or as a means of racial, social, national or religious discrimination.

International Convention on the Elimination of All Forms of Racial Discrimination

This was adopted by the United Nations in 1965. The United States signed it with a reservation protecting the right of free speech. It has not been submitted to the Senate. The convention affirms the necessity of speedily eliminating racial discrimination throughout the world, and of securing respect for the dignity of the human being. It prohibits propaganda based on theories of racial superiority which justifies or promotes racial discrimination.

Convention Concerning the Equal Remuneration for Men and Women Workers For Work of Equal Value

This convention was adopted by the International Labor Conference in 1951, but has not been submitted to the Senate.

Convention Against Discrimination in Education

Adopted by the U.N. in 1960, it too has not been submitted to the Senate. States party to the convention undertake to apply a national policy which will tend to promote equality of opportunity and of treatment in the matter of education. They will strive to make primary education free, secondary education available to all, and higher education equally accessible to all on the basis of individual capacity.

Convention Concerning Freedom of Association and Protection of the Right to Organize

This convention was adopted by the International Labor Conference of the ILO in 1948 as a result of an American initiative and in response to a suggestion by the United Nations. President Truman submitted it to the Senate in 1949. The convention guaranteed the right of employers and workers to join organizations of their choosing without prior authorization, and of the organizations to further and defend the interests of the members.

Convention Concerning Discrimination in Respect of Employment and Occupation

This convention was adopted by the International Labor Organization in 1958, but has not been submitted to the Senate. States party to it undertake to pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation with a view to eliminating any discrimination made on the basis of race, color, sex, religion, political opinion, national extraction or social origin.

110 P.

List of International and Regional Human Rights Instruments

The UN has published a collection of international human rights documents, entitled *Human Rights: A Compilation of International Instruments of the United Nations*, UN Sales No. E.73.XIV.2, $3.00 The following documents are reproduced in this collection:

A. The International Bill of Human Rights

1. Universal Declaration of Human Rights
2. International Covenant on Economic, Social and Cultural Rights
3. International Covenant on Civil and Political Rights
4. Optional Protocol to the International Covenant on Civil and Political Rights

B. The Proclamation of Teheran

5. Proclamation of Teheran

C. The Right of Self-Determination

6. Declaration on the Granting of Independence to Colonial Countries and Peoples
7. General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent Sovereignty over Natural Resources"

D. Prevention of Discrimination

8. United Nations Declaration on the Elimination of All Forms of All Forms of Racial Discrimination
9. International Convention on the Elimination of All Forms of Racial Discrimination
10. Discrimination (Employment and Occupation) Convention
11. Convention against Discrimination in Education
12. Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination In Education
13. Equal Remuneration Convention
14. Declaration on the Elimination of Discrimination against Women

E. War Crimes and Crimes Against Humanity, Including Genocide

15. Convention on the Prevention and Punishment of the Crime of Genocide
16. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

F. Slavery, Servitude, Forced Labour and Similar Institutions and Practices

17. Slavery Convention
18. Protocol amending the Slavery Convention signed at Geneva on 25 September 1926
19. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
20. Abolition of Forced Labour Convention
21. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

G. Nationality, Statelessness, Asylum and Refugees

22. Convention on the Nationality of Married Women
23. Convention on the Reduction of Statelessness
24. Convention relating to the Status of Stateless Persons
25. Convention relating to the Status of Refugees
26. Protocol relating to the Status of Refugees
27. Statute of the Office of the United Nations High Commissioner for Refugees
28. Declaration on Territorial Asylum

H. Freedom of Information

29. Convention on the International Right of Correction

I. Freedom of Association

30. Freedom of Association and Protection of the Right to Organise Convention
31. Right to Organise and Collective Bargaining Convention
32. Workers' Representatives Convention

J. Employment Policy

33. Employment Policy Convention

K. Political Rights of Women

34. Convention on the Political Rights of Women

L. Marriage and the Family, Childhood and Youth

35. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
36. Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
37. Declaration of the Rights of the Child
38. Declaration on the Promotion among Youth of the Ideals Of Peace Mutual Respect and Understanding between Peoples

M. Social Welfare, Progress and Development

39. Declaration on Social Progress and Development
40. Declaration on the Rights of Mentally Retarded Persons

N. Right to Enjoy Culture; International Cultural Development and Co-operation

41. Declaration of the Principles of International Cultural Co-operation.

Regional instruments, such as the European Convention of Human Rights and the American Declaration on the Rights and Duties of Man, as well as other relevant documents, may be found in Sohn & Buergenthal, *Basic Documents on International Protection of Human Rights* (Bobbs-Merrill, 1973).

The principle of self-government can not be violated with impunity The individual's right to it is sacred — regardless of class, caste, race, color, sex, or any other accident or incident of birth.

Susan B. Anthony, 1870

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ECONOMIC AND SOCIAL COUNCIL

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COMMISSION ON HUMAN RIGHTS
Thirty-third session
Item 16 of the provisional agenda

PERIODIC REPORTS ON HUMAN RIGHTS

A. Status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations

Memorandum by the Secretary-General

1. In resolution 1074 C (XXXIX), entitled "Periodic reports on human rights and reports on freedom of information", the Economic and Social Council requested the Secretary-General to submit to the Commission on Human Rights a document indicating the status of multilateral agreements in the field of human rights concluded under the auspices of the United Nations.

2. The information in the present memorandum on the status of these agreements has been extracted from the publication Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions, List of Signatures, Ratifications, Accessions, etc., as at 31 December 1975 (ST/LEG/SER.D/9) 1/ prepared by the Office of Legal Affairs of the Secretariat and brought up to date as of 31 December 1976.

FOOTNOTES

a/ Following on the adoption of General Assembly resolution 2758 (XXVI) of 25 October 1971 ("Restoration of the lawful rights of the People's Republic of China in the United Nations"), the Minister for Foreign Affairs of the People's Republic of China, by a note addressed to the Secretary-General, received on 29 September 1972, stated that:

> "1. With regard to the multilateral treaties signed, ratified or acceded to by the defunct Chinese government before the establishment of the Government of the People's Republic of China, my Government will examine their contents before making a decision in the light of the circumstances as to whether or not they should be recognized.
>
> "2. As from October 1, 1949, the day of the founding of the People's Republic of China, the Chiang Kai-shek clique has no right at all to represent China. Its signature and ratification of, or accession to, any multilateral treaties by usurping the name of 'China' are all illegal and null and void. My Government will study these multilateral treaties before making a decision in the light of the circumstances as to whether or not they should be acceded to."

Subsequent to 1 October 1949, and prior to 25 October 1971, the Republic of China: (a) ratified, acceded to or accepted the conventions listed above under the numbers (6), (11), (12), (15), (16) and (17), and (b) signed, but did not ratify the conventions listed under numbers (1), (2), (3) and (13). The convention listed under number (4) was signed on behalf of the Republic of China on 20 July 1949 and an instrument of ratification by the Republic of China was deposited on 19 July 1951. (For further information see United Nations publication Sales No. E.76.V.7, note on page iii and iv and under the conventions concerned.)

b/ The Democratic Republic of Viet-Nam and the Republic of South Viet-Nam (previously the Republic of Viet-Nam) joined together on 2 July 1976 to form the Socialist Republic of Viet Nam; as of 31 December 1976 the Government of the Socialist Republic of Viet Nam had not indicated its position on the question of succession.

SYMBOLS

X - States having deposited instruments of ratification, accession or acceptance, or notification of succession or having signed without reservation as to ratification.

S - Signature not yet followed by ratification.

\- States not eligible to become Parties.

If the symbol is underlined, this indicates that the action was taken after 1 January 1976.

	(1) International Covenant on Economic, Social and Cultural Rights (in force since 3 Jan. 1976)	(2) International Covenant on Civil and Political Rights (in force since 23 March 1976)	(3) Optional Protocol to the International Covenant on Civil and Political Rights (in force since 23 March 1976)	(4) Convention on the Prevention and Punishment of the Crime of Genocide (in force since 12 January 1951)	(5) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (in force since 11 November 1970)	(6) International Convention on the Elimination of All Forms of Racial Discrimination (in force since 4 January 1969)	(7) Convention Relating to the Status of Refugees (in force since 22 April 1954)	(8) Protocol Relating to the Status of Refugees (in force since 4 October 1967)	(9) Convention Relating to the Status of Stateless Persons (in force since 6 June 1960)	(10) Convention on the Reduction of Statelessness (in force since 13 December 1975)	(11) Convention on Political Rights of Women (in force since 7 July 1954)	(12) Convention on the Nationality of Married Women (in force since 11 August 1958)	(13) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (in force since 9 December 1964)	(14) Convention on the International Right of Correction (in force since 24 August 1962)	(15) Protocol amending the Slavery Convention signed at Geneva on 25 September 1926 (in force since 7 December 1953)	(16) Slavery Convention of 25 September 1926 as amended (in force since 7 July 1955)	(17) Supplementary Convention on the Abolition of Slavery, the Slave Trade, Institutions and Practices similar to Slavery (in force since 30 April 1957)	(18) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (in force 25 July 1951)	(19) International Convention on the Suppression and Punishment of the Crime of Apartheid (in force since 18 July 1976)
Afghanistan				X							X				X		X		
Albania				X	X						X	X			-	X	X	X	
Algeria	S	S		X		X	X	X	X						-	X	X	X	S
Angola																			
Argentina	S	S		X		X	X	X	X		X	X	X	S	-		X	X	S
Australia	X	S		X		X	X	X	X	X	X	X			X	X	X		
Austria	S	S	S	X		X	X	X		X	X	X	X		X	X	X		
Bahamas				X		X						X			X	X	X		
Bahrain															-				
Bangladesh															-				
Barbados	X	X	X			X			X		X				X	X	X		
Belgium	S	S		X		X	X	X	X		X	S			X	X	X	X	
Benin						S	X	X					X						X
Bhutan						S									-				
Bolivia				S		X					X				-				
Botswana						X	X	X	X						-				
Brazil				X		X	X	X	S		X	X	X		-	X	X	X	
Bulgaria	X	X		X	X	X					X	X					X	X	X
Burma				X							S				X	X		S	
Burundi						S	X	X							-				
Byelorussian SSR	X	X		X	X	X					X	X			-	X	X	X	X
Canada	X	X	X	X		X	X	X			X	X			X	X	X		
Cape Verde																			
Central African Empire						X	X	X			X						X		
Chad															-				X
Chile	X	X		X		X	X	X			X	S	S	S	-				
China a/																			
Colombia	X	X	X	X		S	X		S			S			-				
Comoros																			
Congo							X	X			X								
Costa Rica	X	X	X	X		X			S		X				-				
Cuba				X	X	X					X	X	X	X	X	X	X	X	
Cyprus	X	X	S			X	X	X			X	X		X	-		X		

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Czechoslovakia	X	X		X	X	X					X	X	X			X		X	X
Democratic Kampuchea				X		S									-	-		X	
Dem. People's Rep. of Korea																			
Dem. Rep. of Viet Nam b/																			
Democratic Yemen						X										-			S
Denmark	X	X	X	X		X	X	X	X		X	X	X			X	X	X	S	
Dominican Republic				S						S	X	X	X			-		X		
Ecuador	X	X	X	X		X	X	X	X		X	X		S		X	X	X	S	X
Egypt	S	S		X		X								X		X	X	X	X	
El Salvador	S	S	S	X					S		S			X		-		S		
Equatorial Guinea																-				
Ethiopia				X		X	X	X			X			X		-	X	X		
Fiji				X		X	X	X	X		X	X	X			X	X	X		
Finland	X	X	X	X		X	X	X	X		X	X	X			X	X	X	X	
France				X		X	X	X	X	S	X		S	X		X	X	X	X	
Gabon						S	X	X			X					-				
Gambia							X	X								-				
German Democratic Republic	X	X		X	X	X					X	X	X			X	X	X	X	X
Germany, Federal Republic of	X	X		X		X	X	X	X		X	X	X			X	X	X		
Ghana				X		X	X	X			X	X						X		
Greece				X		X	X	X	X		X		S			X	X	X		
Grenada																				
Guatemala				X		S			S		X	X		X		-		S		
Guinea	S	S	S		X	S	X	X	X		S	S	S	S		X	X		X	X
Guinea-Bissau							X	X												
Guyana	S	S				S										-				
Haiti				X		X					X							X	X	
Holy See						X	X	X	S							-				
Honduras	S	S	S	X					S							-			S	
Hungary	X			X	X	X					X	X	X			X	X	X	X	X
Iceland	S	S		X		X	X	X			X					-		X		
India				X	X	X					X	S				X	X	X	X	
Indonesia											X					-				
Iran	X	X		X		X	X	X								-		X	S	

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Iraq	X	X		X		X									-			X	X
Ireland	S	S		X		S	X	X	X	X	X	X			X	X	X		
Israel	S	S		X		S	X	X	X	X	X	X	S		X	X	X	X	
Italy	S	S	S	X		X	X	X	X		X		S		X	X			
Ivory Coast						X	X	X											
Jamaica	X	X	X	X		X	X				X	X		X	-	X	X		S
Japan											X				-			X	
Jordan	X	X		X		X									-	X	X	X	S
Kenya	X	X			X		X								-				S
Kuwait						X									-	X	X	X	
Lao People's Dem. Rep.				X		X					X				-		X		
Lebanon	X	X		X		X					X								
Lesotho				X		X			X		X	X			-	X	X		
Liberia	S	S		X		X	X		X		S				X	X	S	S	X
Libyan Arab Republic	X	X				X									-	X		X	X
Liechtenstein							X	X	S					-	-				
Luxembourg	S	S				S	X	X	X		X	S			-		X	S	
Madagascar	X	X	X			X	X				X				-	X	X		
Malawi											X	X			-	X	X	X	
Malaysia												X			-		X		
Maldives															-				
Mali	X	X		X		X	X	X			X	X	X		X	X	X	X	
Malta	S					X	X	X			X	X			-	X	X		
Mauritania						S					X				-				
Mauritius	X	X	X			X					X	X			-	X	X		
Mexico				X	S	X					S				X	X	X	X	
Monaco				X			X							-	X	X			
Mongolia	X	X		X	X	X					X				-	X	X		X
Morocco				X		X	X	X			X				X	X	X	X	
Mozambique																			

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Nauru														-	-				
Nepal				X		X					X				-	X	X		
Netherlands	S	S	S	X		X	X	X	X	S	X	X	X		X	X	X		
New Zealand	S	S		S		X	X	X			X	X	X		X	X	X		
Nicaragua				X							X								
Niger						X	X	X			X		X		X	X	X		
Nigeria					X	X	X	X							-	X	X		S
Norway	X	X	X	X		X	X	X	X	X	X	X	X		X	X	X	X	
Oman															-				S
Pakistan				X		X					X	S			-	X	X	X	
Panama	S	S	S	X		X									-				S
Papua New Guinea																			
Paraguay				S			X	X			S			S	-				
Peru				X		X	X				X			S	-		S		
Philippines	X	S	S	X	X	X			S		X		X		-	X	X	X	S
Poland	S	S		X	X	X					X	X	X				X	X	X
Portugal	S	S					X	X				S					X		
Qatar						X									-				X
Republic of Korea				X					X		X			-	-			X	
[Repo of South Viet-Nam]b/				X										-	-	X	S		
Romania	X	X		X	X	X					X	X	S		X	X	X	X	S
Rwanda	X	X		X	X	X									-				S
Samoa													X	-	-				
San Marino														-	-		X		
Sao Tome and Principe																			
Saudi Arabia				X											-	X	X		
Senegal	S	S	S			X	X	X			X								
Seychelles																			
Sierra Leone						X					X	X		X	-	X	X		
Singapore												X			-		X	X	
Somalia						X									-				X
South Africa															X	X		X	
Spain	S	S		X		X					X		X		X	X	X	X	
Sri Lanka				X								X	S		-	X	X	X	

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Sudan							X	X							-	X	X		S
Suriname	X	X	X																
Swaziland						X		X			X	X			-				
Sweden	X	X	X	X		X	X	X	X	X	X	X	X		X	X	X		
Switzerland							X	X	X						X	X	X		
Syrian Arab Republic	X	X		X		X									X	X	X	X	X
Thailand											X				-				
Togo						X	X	X							-				
Tonga				X		X								-	-				
Trinidad and Tobago						X			X		X	X	X		-	X	X		S
Tunisia	X	X		X	X	X	X	X	X		X	X	X		-	X	X		
Turkey				X		S	X	X			X				X	X	X		
Uganda							X	X	X			X			-	X	X		S
Ukrainian SSR	X	X		X	X	X					X	X			-	X	X	X	X
Union of Soviet Socialist Republics	X	X		X	X	X					X	X			-	X	X	X	X
United Arab Emirates						X									-				X
United Kingdom	X	X		X		X	X	X	X	X	X	X	X		X	X	X		
United Republic of Cameroon					X	X	X	X											X
United Republic of Tanzania	X	X				X	X	X			X	X			-	X	X		X
United States of America				S		S		X			X		S		X	X	X		
Upper Volta				X		X							X		-			X	S
Uruguay	X	X	X	X		X	X	X			S	S			-				
Venezuela	S	S	S	X		X									-			X	
Yemen															-				
Yugoslavia	X	X		X	X	X	X	X	X		X	X	X	X	X	X	X	X	X
Zaire	X	X	X	X		X	X	X							-		X		
Zambia						X	X		X		X	X			-	X	X		

B. New Criteria of Freedom and the Map of Freedom, Raymond Gastil

Editor's Note: Ratification of international human rights instruments does not necessarily lead to broader enjoyment of human rights. One indication of this is the "Map of Freedom" which follows. Another is the violations of human rights in specific countries as determined by non-governmental organizations such as Amnesty International, the International League for Human Rights and the International Commission of Jurists. A number of their reports and their addresses are listed in the bibliography at the end of this kit.

The Map of Freedom is reprinted from Freedom at Issue, published by Freedom House

The map portrays the results of Freedom House's Annual Survey of Freedom. The Survey, according to Raymond Gastil, Director of the Survey, seeks to determine "the extent to which the people of a country are able to play an active and critical role in choosing their leaders, and thus ultimately in determining the laws and means of enforcement under which they will live. Such political rights generally imply an authentic electoral procedure. Secondly, freedom refers to the extent to which people openly express opinion without fear, and are protected against arbitrary actions by an independent judiciary. Consideration of civil rights of this kind also includes a wide spectrum of other personal rights, such as those to freedom of religion, voluntary organization, and freedom of movement and occupation." Thus, the Freedom House Survey seeks to determine the extent to which political and civil rights, as understood within the Western, liberal political tradition, are enjoyed around the world.

The Survey does not present itself as a measure of "economic, social or cultural" rights, preferring rather to call these "desirable social goals." Gastil argues that a commitment to such "positive rights" should not be confused with a commitment to freedom.

The map of freedom should thus be taken as an attempt to ascertain the degree to which each country in the world enjoys civil and political rights. Even in fulfilling that task there are many different problems: How can we measure the extent to which legal forms actually influence the life of individuals within the society? What enables effective participation in determining leadership and in formulating and carrying out public policies?

Questions such as these are difficult to answer. The attempt by Freedom House to do so is thus a valuable indicator but not the definitive answer to the question of "how free" the citizens of each state may be.

THE NEW CRITERIA OF FREEDOM
by Raymond Gastil

(Editor's note: To make this map nations are ranked on a scale of 1 to 7 against the criteria of freedom described below. A number 1 denotes the highest degree of freedom, and the number 7 the lowest. The judgments of this survey may be compared with the roster of ratifications of the U.N. Human Rights Conventions.)

To be ranked (1) in civil rights means that the rule of law is unshaken. It also means that there is a variety of news media, and freedom of expression is both possible and evident. Examples are Denmark and Australia.

States ranked (2) aspire to this level, but because of violence or ignorance or lack of sufficient or free media of expression, civil rights are less effective. In addition, there may be special laws that restrain rights more than would seem compelled by the needs of order, and may result from particular religious or other non-liberal traditions. Examples are Venezuela and Lebanon.

States ranked (3) have most of the trappings of civil liberty, and the government is regularly opposed successfully in the courts. Yet for one or another reason, such as extreme threats to the state or an unresolvable political deadlock, there are serious imperfections. These may include repeated reliance on martial law, jailing for sedition, or suppression of publications. Examples are Malaysia or South Africa (white).

In states ranked (4) there are broad areas of freedom, and publication may be relatively free, yet there are also broad areas of illegality. States may be found in this ranking because of incomplete transition from traditional society or recent emergence from a revolutionary situation. Examples are Morocco and Nigeria.

In states ranked (5) civil liberties are often denied, but there is no doctrine that denies them. The media are often weak, government-controlled, and frequently censored. If civil rights are ignored, there are few effective recourses. Examples are Brazil and Tunisia.

In states ranked (6) there are no generally accepted civil rights that are higher than the rights of the state. Nevertheless, criticism is often allowed to appear in limited ways, and a few favored individuals are allowed considerable freedom. Examples are Greece and the U.S.S.R.

In states ranked (7) the outside world almost never hears of criticism except through its condemnation. Citizens have no rights vis-a-vis the state. Examples are Albania and the Central African Republic.

To be ranked (1) in political rights it has to be assumed that the great majority of persons or families in the state have both rights and opportunities to participate in the electoral process. In addition, the right to compete for office has to be fairly general, and political parties can be freely formed for this purpose. The United Kingdom and the Netherlands are good examples.

In a state ranked (2) we note that while the political process is open, there are more reaons to doubt its working. This is often due to extreme poverty, a feudal social structure, violence, or agreements to limit somewhat participants or results. Examples are Colombia or Lebanon.

In a state ranked (1) or (2) we assume that a leader or a party can be voted out of office, or will stay in office the constitutionally-prescribed length of time. This is more doubtful in a state ranked (3) or below. The people of a state at rank (3) often elect their leaders and representatives, but coups, massive interference with results, or other non-democratic procedures also occur. Major parties may boycott elections, or occasionally be excluded. Examples are Turkey or the Dominican Republic.

A state may be ranked (4) either because there is a constitutional block to the full democratic significance of elections, or because they appear to make little difference on the resulting power distribution. Examples are Honduras and Kuwait.

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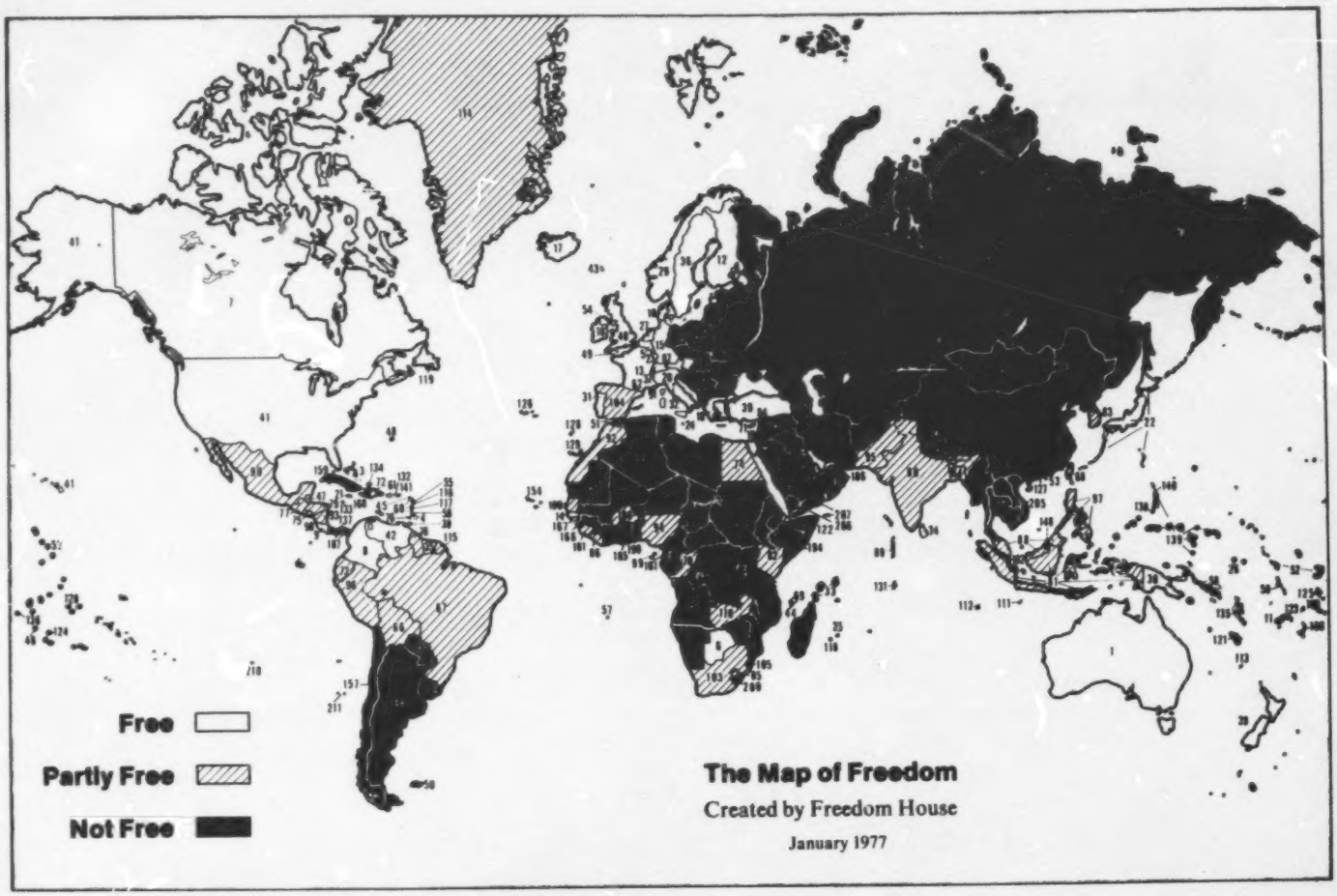

Free

Nations

1 Australia
2 Austria
3 Bahamas
4 Barbados
5 Belgium
6 Botswana
7 Canada
8 Colombia
9 Costa Rica
10 Denmark
11 Fiji
12 Finland
13 France
14 Gambia
15 Germany (W)
16 Greece
17 Iceland
18 Ireland
19 Israel
20 Italy
21 Jamaica
22 Japan
23 Luxembourg
24 Malta
25 Mauritius
26 Nauru
27 Netherlands
28 New Zealand
29 Norway
30 Papua-New Guinea
31 Portugal
32 San Marino
33 Seychelles
34 Sri Lanka
35 Surinam
36 Sweden
37 Switzerland
38 Trinidad & Tobago
39 Turkey
40 United Kingdom
41 United States
42 Venezuela

Territories & Dependencies

Denmark:
43 Faroe Islands
France:
(Overseas Territory)
44 Mayotte
Netherlands:
45 Antilles
New Zealand:
46 Niue
United Kingdom:
47 Belize
48 Bermuda
49 Channel Islands
50 Falkland Islands
51 Gibraltar
52 Gilbert Islands
53 Hong Kong
54 Isle of Man
55 Montserrat
56 St. Vincent
57 St. Helena
58 Solomons
59 Tuvalu
60 West Indies Ass. States
United States:
61 Puerto Rico

Partly Free

Nations

62 Andorra
63 Bahrain
64 Bangladesh
65 Bhutan
66 Bolivia
67 Brazil
68 China (Nat.)
69 Comoro Islands
70 Congo (Rep.)
71 Cyprus
72 Dominican Republic
73 Ecuador
74 Egypt
75 El Salvador
76 Grenada
77 Guatemala
78 Guyana
79 Honduras
80 India
81 Indonesia
82 Kenya
83 Korea (S)
84 Lebanon
85 Lesotho
86 Liberia
87 Liechtenstein
88 Malaysia
89 Maldives
90 Mexico
91 Monaco
92 Morocco
93 Nicaragua
94 Nigeria
95 Pakistan
96 Peru
97 Philippines
98 Qatar
99 Sao Tome & Principe
100 Senegal
101 Sierra Leone
102 Singapore
103 South Africa
104 Spain
105 Swaziland
106 Tonga
107 United Arab Emirates
108 Upper Volta
109 Western Samoa
110 Zambia

Territories & Dependencies

Australia:
111 Christmas Island
112 Cocos (Keeling) Islands
113 Norfolk Island
Denmark:
114 Greenland
France:
Overseas Depts.:
115 French Guiana
116 Guadeloupe
117 Martinique
118 Reunion
119 St. Pierre & Miquelon
Overseas Territories:
120 French Polynesia
121 New Caledonia
122 Territory of Afars & Issas
123 Wallis & Futuna
New Zealand:
124 Cook Islands
125 Tokelau Islands
Portugal:
126 Azores
127 Macao
128 Madeira
Spain:
129 Canary Islands
130 Places of Sov. in No. Africa
United Kingdom:
131 British Indian Ocean Territory
132 British Virgin Islands
133 Cayman Islands
134 Turks & Caicos
135 New Hebrides (British-French Condo.)
United States:
136 American Samoa
137 Canal Zone
138 Guam
139 Micronesia
140 Northern Marianas
141 Virgin Islands

Not Free

Nations

142 Afghanistan
143 Albania
144 Algeria
145 Angola
146 Argentina
147 Benin
148 Brunei
149 Bulgaria
150 Burma
151 Burundi
152 Cambodia
153 Cameroon
154 Cape Verde Islands
155 Central African Republic
156 Chad
157 Chile
158 China (Com.)
159 Cuba
160 Czechoslovakia
161 Equatorial Guinea
162 Ethiopia
163 Gabon
164 Germany (E)
165 Ghana
166 Guinea
167 Guinea-Bissau
168 Haiti
169 Hungary
170 Iran
171 Iraq
172 Ivory Coast
173 Jordan
174 Korea (N)
175 Kuwait
176 Laos
177 Libya
178 Malagasy Republic
179 Malawi
180 Mali
181 Mauritania
182 Mongolia
183 Mozambique
184 Nepal
185 Niger
186 Oman
187 Panama
188 Paraguay
189 Poland
190 Rhodesia
191 Rumania
192 Rwanda
193 Saudi Arabia
194 Somalia
195 Sudan
196 Syria
197 Tanzania
198 Thailand
199 Togo
200 Transkei
201 Tunisia
202 Uganda
203 USSR
204 Uruguay
205 Vietnam
206 Yemen (N)
207 Yemen (S)
208 Yugoslavia
209 Zaire

Territories & Dependencies

Chile:
210 Easter Island
211 Juan Fernandez
South Africa
212 South West Africa (Namibia)

There exists today a number of different international organizations in which states, non-governmental organizations and individuals may raise human rights issues. In addition to the United Nations, which considers Human Rights issues in many of its sections and specialized agencies, the Council of Europe, the Organization of American States, the International Labor Organization and UNESCO have active Human Rights programs.

These organizations and agencies do everything from draft conventions to, in the case of the European system, provide a Court of Human Rights in which individuals may prosecute states in certain circumstances. This chapter describes briefly this range of human rights activity. It is divided into three sections:

I. The United Nations Human Rights Agencies
II. The European and Inter-American Human Rights Commissions
III. Procedures for Filing a Human Rights Complaint

I. The United Nations Human Rights Agencies

The United Nations Charter grants the U.N. a clear responsibility to aid in the promotion of human rights (see excerpts, page 77). The Charter's provisions have authorized the following U.N. bodies work on Human Rights:

1. The General Assembly

Human Rights issues come before the General Assembly during its annual session. Human Rights issues are placed on the Assembly's agenda by the U.N.'s Economic and Social Council, by the Trusteeship Council, by a member state or by the Secretary General.

The General Assembly has six committees dealing with 1) Political, 2) Economic, 3) Social, Humanitarian and Cultural, 4) Trust, 5) Finance and 6) Legal matters. Human Rights issues are usually dealt with by the Third Committee. The General Assembly may also establish subsidiary organs to deal with specific human rights problems, as it has concerning Apartheid in South Africa.

2. The Economic and Social Council

This council makes recommendations to the General Assembly and can aid in the drafting of conventions. It can also call international conferences on human rights and set up commissions for the promotion of human rights.

Under Article 64 of the U.N. Charter, the Council may also request reports from member states and U.N. specialized agencies to determine the extent to which its own recommendations and those of the General Assembly are being carried out. Its observations on these reports may be communicated to the General Assembly. In any case, the Council submits an annual report to the General Assembly.

3. U.N. Commission on Human Rights

"The Commission on Human Rights is one of the functional commissions of the Economic and Social Council set up by the Council in 1946. The Commission's terms of reference are extensive; under them, it may deal with any matter concerning human rights. The Commission makes studies and recommendations either on its own initiative or at the request of the General Assembly or the Economic and Social Council.

"The Commission, consisting of 32 members elected for three-year terms, meets annually for a period of five or six weeks. In addition to the representatives of each State member of the Commission, the following may attend the sessions of the Commission:"[1] representatives of U.N. member states who are invited to participate in the deliberations by the Commission, observers asked by their governments to attend, and representatives of U.N. specialized agencies, the U.N. Commissioner for Refugees, non-governmental organizations with consultative status to the Economic and Social Council and Regional Human Rights bodies. All Commission decisions are by a majority of

[1] The United Nations and Human Rights, United Nations, 1973, p. 3.

the members present and voting. The Commission submits a report on each session to the Economic and Social Council. The Commission may also establish sub-commissions to work on specific human rights problems such as the "Sub-Commission on Prevention of Discrimination and Protection of Minorities."

4. Commission on the Status of Women

The Commission is composed of 32 representatives of Member States elected by the Economic and Social Council. The Commission seeks to "prepare recommendations and reports to the Economic and Social Council on promoting women's rights in political, economic, civil, social and educational fields . . . with the object of implementing the principle that men and women shall have equal rights. . . ."

5. Security Council

In accordance with its primary responsibility for the maintenance of international peace and security, the Security Council is empowered by the Charter to take appropriate measures, including action aiming at the pacific settlement of disputes involving human rights violations and also preventive and enforcement action.

6. Trusteeship Council

All of the basic rights enumerated in the Universal Declaration are to be respected in Trust Territories. The Trusteeship Council is empowered to see that these rights are respected. They do so by considering reports submitted by the Administering Authority, by accepting petitions and by periodic visits to the Trust Territory.

7. United Nations Secretariat

Within the offices of the Secretary-General, there is a Division of Human Rights. The duties of the division include the preparation of publications on human rights and the administration of the program of advisory services in the field of human rights, which consists of providing experts, organizing human rights seminars and regional and group training courses, and awarding fellowships.

8. Office of the U.N. High Commissioner for Refugees

This office seeks permanent solutions to the problems of refugees such as their voluntary repatriation or their assimilation within new national communities. The Commissioner is given policy directives by both the General Assembly and the Economic and Social Council.

9. Specialized U.N. Agencies dealing with Human Rights

a. International Labour Organization (see subsequent section).

b. United Nations Educational, Scientific and Cultural Organization (UNESCO)

UNESCO includes among its tasks, contributing to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of law and for human rights and fundamental freedoms. UNESCO's publications have focused on racial prejudice and on educational opportunities particularly for women and on scientific and vocational training.

UNESCO has drafted international human rights conventions and holds conferences on particular human rights related issues (see pp. 174).

c. Food and Agriculture Organization of the United Nations

One purpose of the FAO is that of ". . . contributing towards an expanding world economy and ensuring humanity's freedom from hunger." As such, its activities are designed to aid in the fulfillment of economic rights spelled out in the Universal Declaration and the Covenant on Economic, Social and Cultural Rights.

d. World Health Organization

The preamble to the Constitution of the World Health Organization states that every human being has a right to the highest attainable standard of health and that Governments have a responsibility for the health of their people. WHO provides technical assistance to aid governments

achieve their objectives. It is the international agency which has largely eradicated small-pox, thus saving over $100 million in the cost of inoculations in the U.S. alone.

For additional information concerning the U.N.'s activities on behalf of human rights, see Questions and Answers concerning Human Rights, pp. 11 to 20.

For a more detailed presentation see Louis Sohn and Thomas Buergenthal, *International Protection of Human Rights* (Indianapolis: Bobbs-Merrill, 1973), pp. 505-998.

II. Regional Human Rights Procedures

There are three regional Commissions for the protection of human rights of which the European and the Inter-American Commissions have procedures for hearing human rights complaints. The Permanent Arab Commission on Human Rights was established in 1968 but its procedures are not yet developed. An African Commission on Human Rights has been discussed but is not yet in existence.

1. The European Commission of Human Rights

The Council of Europe was established in 1949 to promote unity among its members. Respect for human rights was considered of aid in achieving this goal and is a condition of membership. The Council has adopted a European Convention on Human Rights and its five Protocols, the European Social Charter and the European Agreement relating to persons participating in proceedings of the European Commission and Court of Human Rights.

The European Convention guarantees only civil and political rights. The Economic, Social and Cultural Rights stated in the European Social Charter does not contain measures for implementing such rights comparable to those of the Convention.

Individuals, non-governmental organizations and groups of individuals may submit petitions. An optional protocol of the Convention permits the European Human Rights Commission to receive applications from individuals against states. Eleven of the seventeen states which are members of the Council of Europe, have signed the optional protocol.

Anyone wishing to submit such a petition should indicate the state against which the petition is made, the article of the Convention allegedly violated and a statement of the facts and arguments in support of the allegation and any relevant documents. The application should be submitted to:

Secretary to the European Commission on Human Rights
Council of Europe
Strasbourg, France

There are three separate bodies involved in processing a claim that human rights have been violated: The Commission, a Group of three members of the Commission, and the Court of Human Rights.

A petition is first registered and then it is decided whether the case is urgent. A group of three undertakes a preliminary examination of the petition and if the petition meets the qualification, is then presented to the Commission. The Commission seeks by a variety of means to establish the facts in the case and then seeks to resolve the complaint by rejecting the petition, by seeking a friendly settlement between both parties, or by deciding that the State has violated the rights of the individual.

When the Commission considers that the individual's rights have been violated, the case can be brought before the Court of human rights. A judgment by the Court is presented to a Committee of Ministers for execution. The Committee will indicate what measures the state must take to remedy the violation.

2. The Inter-American Commission on Human Rights

The Inter-American Commission is established under the organization of American States which includes all of the states in the Western Hemisphere except Canada. Its procedures are significantly different from the European system. There is no provision for binding a government to respect or redress a violation of human rights established by the Commission.

Although the procedures are unclear, the Commission has, at times, received petitions from non-governmental organizations on behalf of individual victims. A petition should be addressed to:

Chairman, Inter-American Commission on Human Rights
Organization of American States
Washington, D.C. 20006
U.S.A.

The Commission on Human Rights, a Standing Sub-Committee and the Secretariat of the Commission may all be involved in processing a complaint. The human rights complaint will be received by the Secretariat and its admissibility is then determined by the Secretariat or the Standing Sub-Committee. The Standing Sub-Committee may send the complaint to the state party involved. The Sub-Committee will then seek additional information if needed to make a recommendation to the Commission. The Commission will, if a Human Rights violation is proved, recommend what action it considers appropriate for the government concerned. It may request an annual report concerning the violation.

If a violation of human rights threatens the peace of the hemisphere, the Ministers of Foreign Affairs may take joint action under the Rio Treaty of Reciprocal Assistance (1947). Among the measures which could be employed in such circumstances are the recall of heads of diplomatic relations, total or partial suspension of economic relations, of communications, as well as the use of armed force.

III. Procedures for filing a Human Rights Complaint

Although only the European Human Rights Commission has clearly established procedures which permit individuals to prosecute states before a Human Rights Court, there are many other possible ways to complain of a human rights violation. Provided here is a summary of the existing procedures and practices. To utilize these remedies one needs legal counsel or at least a more detailed understanding of the procedures. Glenda Da Fonseca's *How to File Complaints of Human Rights Violations, A Practical Guide to Inter-Governmental Procedures* provides an invaluable guide to anyone seeking to submit a complaint (see bibliography on pp. **187**).

The following outline is designed to illustrate the wide range of procedures which are available, in part to counter part of the criticism that the International Human Rights movement is all promise without implementation procedures. Proposals for improving implementation are included in the next section of this kit.

In addition to these procedures, a number of Non-Governmental Organizations undertake the defense of selected individuals, organizations and issues. See the list of such organizations on p. **190**..

Procedures

1. Exhaust local remedies

In general, individuals and non-governmental organizations must "exhaust local remedies" before their complaint will be considered by an international body. The local remedies may be considered exhausted if such remedies are ineffective or involve unusual delays.

2. Select the Agency to which the Complaint will be Made

Any of the following agencies may be sent human rights complaints:

a. The U.N. Commission on Human Rights
b. International Labor Organization (ILO)
c. Trusteeship Council
d. Other U.N. Committees or Agencies (see below)
e. European Commission on Human Rights (see previous section)
f. The Inter-American Commission on Human Rights (see previous section)
g. UNESCO (see previous section)

a. The U.N. Commission on Human Rights

The commission is not empowered to handle individual cases but since 1971 it has received individual complaints. When such complaints indicate a "consistent pattern" which constitutes a "pattern of gross violations of human rights" the Commission *may* take up the complaint.

Individuals and Non-Governmental Organizations should submit complaints to:

The Secretary General
United Nations
New York, N.Y. 10017

The Secretariat will acknowledge receipt of the complaint and send a copy of it to the government concerned which may reply directly to the person or organization submitting the complaint.

Your complaint will be classified as confidential, summarized and distributed to members of the Working-Group of the Sub-Commission on Human Rights. Within the United Nations, the Working Group is located as follows:

The Economic and Social Council (ECOSOC) of the U.N. consists of fifty-four governments elected by the U.N. General Assembly. ECOSOC has six functional commissions, the Commission on Human Rights is one of them and has thirty-two members elected from the fifty-four Governments.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities is a subsidiary body of the Commission on Human Rights and is composed of 26 members elected by the Commission from experts nominated by member states of the U.N. The members of the Sub-Commission are, in principle, not responsible to their Governments. A Working-Group of the Sub-Commission, composed of five members, each representing a geographical region, meets each month. The Working-Group receives the summaries of each Human Right complaint submitted to the Secretary-General.

The Working Group may request the entire original complaint. If it decides by majority vote that a consistent pattern of gross human rights violations exist, it may refer the communication to the Sub-Commission.

The Sub-Commission then, at its discretion, decides whether or not to submit the complaint to the entire Commission.

The Human Rights Commission upon receipt of a complaint may

a. take no action.
b. study the complaint and make a report with recommended actions to ECOSOC.
c. appoint an *ad hoc* Committee to investigate the complaint.

b. International Labor Organization (ILO)

The ILO is a specialized agency of the U.N. designed to protect the rights of labor. This has at times included such rights as the freedom of association, freedom from discrimination in employment, the right to work, the right to a minimum wage and the right to collectively bargain. These and other rights have been spelled out in ILO Conventions.

The governing body or the ILO includes twenty-four people representing governments, twelve representing employers and twelve representing workers.

The procedures of the ILO may be utilized only by an "occupational organization," i.e., an association of either employers or workers.

Such an organization may submit a human rights complaint against a member state of the ILO which has ratified an ILO convention which the complaint alleges has been violated.

Upon receipt of a complaint, the Director General of the ILO will acknowledge receipt, and submit the complaint to the Governing Body. If the complaint fulfills the formal prerequisites for consideration, it will be considered as to substance. The board may:

a. decide the complaint is not well-founded.
b. decide to obtain further information.
c. decide to communicate the complaint to the Government concerned without asking it to reply.
d. decide to communicate the complaint to the Government concerned and invite it to reply.

In addition, trade unions and other qualified associations may submit complaints for which a Commission of inquiry may be appointed. If a government does not accept the recommendations of a Commission of Inquiry, the Commission may refer the complaint to the International Court of Justice.

Finally, the ILO has a Committee on Freedom of Association which in turn may appoint a "Fact Finding and Conciliation Commission" to aid it in responding to Human Rights Complaints. The ILO has also set up a Committee on Discrimination which may request a "Special Survey" be conducted to determine if the complaint is well founded.

All ILO complaints should be submitted to:

The Director-General
International Labour Office
1211 Geneva 22
Switzerland

c. Trusteeship Council

A trust territory is a territory which is placed under the supervision and administration of a UN member state. There are in 1977 only two trust territories, Papua-New Guinea, under the administration of Australia, although in the process of becoming independent, and the Micronesian Islands in the Pacific under U.S. trust.

The Trusteeship Council of the U.N. is composed of those countries holding Trust territory and the permanent members of the Security Council who do not hold such territories.

All of the basic rights listed in the Universal Declaration of Human Rights and the right of self-determination are guaranteed to the trust territories.

d. Fourth Committee of the General Assembly

An oral hearing may be granted to individuals and organizations if this Committee considers it appropriate. All members of the General Assembly have a right to be represented on this committee.

e. Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

This Committee is composed of twenty-four U.N. member states appointed by the President of the General Assembly. The committee concerns itself with all non-self-governing territories including Trust Territories, Nambia, and Rhodesia.

f. Special Committee on Apartheid

This special committee of the General Assembly was established in 1962. Its purpose is to review the racial policies of the Government of South Africa. Although open to membership by representatives of all areas, no member from Western Europe or North America has yet agreed to serve on the committee. The committee receives information from individuals and organizations concerning the situation in South Africa. Some communications are widely published through the Office of the UN Secretariat concerned with Apartheid.

g. Ad Hoc Working-Group of Experts of the Commission on Human Rights

This working-group is composed of six members of the Commission on Human Rights appointed by the Chairman. The "working-group" is mandated to investigate allegations of torture, capital punishment, treatment of prisoners of war and other human rights violations by the governments of Rhodesia and South Africa.

The "Working-Group" conducts hearings open to non-governmental organization representatives and individuals and issues reports on its findings.

h. United Nations Council for Nambia

This Council is composed of eleven governments elected by the General Assembly. The Council superseded the Trusteeship of South West Africa by South Africa which was terminated in 1967 by the General Assembly.

The Council is mandated to administer the territory of Nambia until its independence. The Council has been prevented from carrying out this mandate by the Government of South Africa. In lieu of its mandated function, the Council receives oral and written communications, issues reports and publishes a quarterly entitled "Objective: Justice."

i. Israeli-Occupied Territories

A Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories was established in 1968. It is composed of three members of the UN General Assembly appointed by the President. The Committee is concerned with human rights issues in the Golan Heights, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula.

The Committee has considered that the "essential and inalienable human rights" such as are enumerated in the Universal Declaration of Human Rights are within the scope of its competence. It has given emphasis to Art. 13, the right of everyone to return to his or her country and to the Geneva Conventions protecting Civilian Persons in Time of War and to the Treatment of Prisoners.

The Committee has no formal rules but collects evidence from oral testimony by individuals and organizations as well as from other sources. It is possible to present information secretly to this committee.

3. Drafting the Complaint

After the appropriate agency is selected, those filing a human rights complaint should draft their statement. In general the statement should be written in clear, factual prose. Some agencies will reject a complaint out of hand if it uses inflammatory rhetoric.

In general a complaint should:

a. state the name, address and nationality of the person whose rights have been violated.

b. specify the specific article of the Universal Declaration or Implementing Covenant which guarantees the right which has been violated.

c. describe who violated that right and in what way, indicating the time and place of the violation.

d. present an argument that this behavior constitutes an established or regular procedure.

e. provide evidence or documents supporting your case.

f. indicate that local remedies have been exhausted; if the case appeared before a local court, indicate the court, the judge and the date the decision was rendered.

4. Following-Up the Complaint

You should receive an acknowledgement of the receipt of your complaint from the agency to which it was submitted. Sending your complaint by registered mail will assure that you receive a receipt indicating when the agencies received it. This can be useful in determining how the complaint was disposed of. As many of the institutions above provide for oral hearings, you should be prepared for such an event. You may want to prepare your statement before the agencies with some care, attempting to anticipate any questions they may have.

5. A Word of Caution

Government officials may resent being accused of human rights violations. Your protection against reprisals by government officials is only as strong as the independence of the judiciary and the extent to which government is restrained by law. This varies country by country. In some cases, filing a human rights complaint may lead to your arrest or to other illegal acts by the government. For most people in the world today, the above procedures are ineffective.

. . . the cruel domination of class over class
. . . the oppression of the poor by the rich, and of
. . . the ignorant by the wise . . .

From these oppressors the people of many cities sought deliverance in the less intolerable tyranny of revolutionary usurpers.

The remedy gave new shape and energy to the evil.
. . . rights secured by equal laws and by sharing power existed nowhere.

Lord Acton, "History of Freedom in Antiquity," 1877

VII. Proposals for Reform

A. These twenty-nine proposals for increasing U.S. leadership in promoting universal human rights were made by the House Subcommittee on International Organizations and Movements, Donald Fraser, Chairman, 1974

RECOMMENDATIONS[1]

U.S. Foreign Policy

Human rights in foreign policy

1. The Department of State should treat human rights factors as a regular part of U.S. foreign policy decision-making. It should prepare human rights impact statements for all policies which have significant human rights implications (pp. 9–11).

2. The Department of State should discourage governments which are committing serious violations of human rights through measures such as: private consultation with the government concerned; public interventions in U.N. organs and agencies; withdrawal of military assistance and sales; withdrawal of certain economic assistance programs. Normal diplomatic relations with the government concerned should be maintained (pp. 9–11).

3. The Department of State should respond to human rights practices of nations in an objective manner without regard to whether the government is considered friendly, neutral, or unfriendly (pp. 9–11).

4. The Department of State should upgrade the consideration given to human rights in determining Soviet-American relations. While pursuing the objectives of détente, the United States should be forthright in denouncing Soviet violations of human rights and should raise the priority of the human rights factor particularly with regard to policy decisions not directly related to national security (p. 11).

Organization of the State Department

5. The Department of State should strengthen its organization in the human rights field through:

(*a*) Creation of an Office for Human Rights within the Bureau of International Organization Affairs, with an appropriate increase of staff for these functions;

(*b*) Assignment of an Officer for Human Rights Affairs in each regional bureau of the Department with responsibility for making policy recommendations and comments based on observation and analysis of human rights practices in the countries of the region and their significance in U.S. foreign policy relations with these countries; and

(*c*) Appointment of an Assistant Legal Adviser on Human Rights in the Legal Adviser's Office (pp. 12–13).

6. The Department of State should create an Advisory Committee on Human Rights which would advise the Department of State on U.S. policy with respect to international human rights issues. The committee should include selected representatives of nongovernmental organizations, scholars, and others active in the human rights field (pp. 12–13).

Recommendations for the Congress

7. The Congress should extend by law the functions of the U.S. Civil Rights Commission to include international human rights. The Commission would observe and comment upon the attention given to human rights by U.S. foreign policy, and comment on conditions in other countries.

If extending the Commission's mandate is not possible, a new agency with the same degree of independence from the executive branch should be created with the above-mentioned functions (p. 14).

8. Members of parliaments in various countries should establish an informal network of parliamentarians to enable its members to consult, exchange information, and develop coordinated action programs for the purpose of making their own governments and the international community more effective in the protection of human rights throughout the world (p. 15).

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[1] Page number references after each recommendation refer to pages of the report where that recommendation is justified.

Human Rights Treaties

9. The Department of State should undertake a comprehensive review of the international human rights treaties which the U.S. Government has not signed or sent to the Senate for its advice and consent; and submit with suitable reservations or understandings as many of these conventions as appropriate to the Senate for its advice and consent.

Early attention should be directed to the International Convention on the Elimination of All Forms of Racial Discrimination (U.N.), and the American Convention on Human Rights (OAS) (pp. 20–23).

10. The Senate should consent to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, and the other human rights conventions pending before the Senate; namely:

Convention on the Granting of Political Rights of Women (OAS);

Freedom of Association and Protection of the Right To Organize Convention (ILO);

Abolition of Forced Labor Convention (ILO);

Convention on the Political Rights of Women (U.N.); and

Employment Policy Convention (ILO).

When appropriate reservations or understandings should be attached to a ratification (pp. 22–24).

United Nations Machinery To Promote Human Rights

11. The Department of State should request the U.N. Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to devote special attention to civil and political rights in their studies of particular human rights questions (p. 25).

12. The Department of State should request the U.N. Commission on Human Rights to establish a committee of independent experts appointed by the Secretary General to review the periodic reports on human rights, and to make objective comments and recommendations on international conditions generally and regarding specific countries (pp. 25–26).

13. The United States through the Department of State, should host a human rights seminar under the U.N. advisory services program (p. 26).

14. The Department of State should propose that the U.N. Commission on Human Rights revise the procedures for reviewing communications on human rights to provide for:

(*a*) Notifying the author of a communication and the government concerned of any decision taken with respect to the communication;

(*b*) Supplying to the author of the communication a copy of the government's reply;

(*c*) Permitting the appearance of the author of the communication (or counsel) and the government concerned before the Sub-Commission on Prevention of Discrimination and Protection of Minorities or a sub-body thereof; and

(*d*) Recognizing the right of a member of the Sub-Commission to bring before that organ any communication which has not been referred to it by the working group (pp. 27–29).

15. The Department of State should continue to support the creation of an Office of U.N. High Commissioner for Human Rights. The High Commissioner would consult with governments on their implementation of the Universal Declaration of Human Rights and other international instruments in the human rights field. The High Commissioner would be nominated by the Secretary General and elected by the General Assembly (pp. 29–30).

16. The Department of State should propose that the Commission on Human Rights be authorized to hold regular sessions more than once a year, if necessary, and to hold special sessions at any time to deal with urgent situations involving massive violations of human rights (p. 30).

Southern Africa

17. The Governments of South Africa, Southern Rhodesia, and Portugal should fully implement the U.N. Declaration on the Granting of Independence to Colonial Countries and Peoples which states that "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (p. 31).

18. The Governments of South Africa, Southern Rhodesia, and Portugal should fully implement the Universal Declaration of Human Rights which states that "All human beings are born free and equal in dignity and rights," in particular:

(*a*) To eliminate the practices of racial discrimination and apartheid;

(*b*) To insure the right of everyone to take part in the government of his country, including the right to vote;

(*c*) To insure the right to work, free choice of employment, just and favorable conditions of work, equal pay for equal work, and to form and to join trade unions; and

(*d*) To insure the right to education and provide the opportunity for education at all levels without regard to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status (p. 31).

19. The Department of State should support the efforts of the black majorities in southern Africa to achieve self-determination and independence (pp. 31–32).

20. The Department of State should seek membership for the United States on the U.N.'s Council for Namibia and give its full support to the Council's objective of ending South Africa's illegal occupation of Namibia (pp. 31–32).

21. The Department of State and the Department of Commerce should ask U.S. firms doing business in southern Africa to provide their employees with just and favorable remuneration and conditions of work; equal pay for equal work; adequate pensions, medical care and legal assistance; educational assistance for their employees and their children; and vocational and management training programs (p. 32).

22. The Congress should repeal the Byrd amendment which contravenes the U.S. legal obligation to uphold the U.N. resolution adopted by the Security Council imposing economic sanctions against Southern Rhodesia (p. 33).

The Laws of War

23. The Department of State and the Department of Defense, at the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, should support:

(*a*) Extension of the laws of war to internal armed conflicts as defined under international standards;

(*b*) Provision for prisoner-of-war status for guerrilla fighters who conform to international standards;

(*c*) Greater protection of civilians in armed conflicts including—

(1) standards and restrictions governing methods or means of combat which strike or affect indiscriminately the civilian population and combatants, or civilian objects and military objectives;

(2) restriction or prohibition of attacks on objects designed for civilian use, objects indispensable to the survival of the civilian population, and works and installations containing dangerous forces—dams, dikes, and nuclear generating stations; and

(*d*) The convening of a second diplomatic conference to consider the restriction or prohibition of the use of specific weapons which cause unnecessary suffering such as delayed action weapons, incendiary weapons, and certain types of fragmentation bombs and high velocity projectiles (pp. 33–37).

24. The Department of Defense should establish a regular procedure for reviewing new weapons, if possible early during the research and development stage, to determine whether they cause unnecessary suffering (p. 37).

Massacre

25. Whenever massacre occurs or appears likely to occur, the United States (if no other state takes such action) should convene the Security Council to consider appropriate measures under the charter (pp. 38–40).

Torture

26. The Department of State should urge the United Nations to undertake the following measures to help prevent the practice of torture:

(*a*) The Commission on Human Rights should conduct a thorough study of the practice of torture, based upon information received from governments, the United Nations and its specialized agencies, nongovernmental organizations, and other available sources, and make recommendations concerning measures to be taken at local, national, regional, and international levels to prevent the practice of torture and other cruel, inhuman, or degrading treatment or punishment;

(*b*) The U.N. Committee on Crime Prevention and Control should adopt a periodic reporting procedure to be used by governments, specialized agencies, and nongovernmental organizations concerning the implementation of the Standard Minimum Rules for the Treatment of Prisoners; and

(*c*) The Fifth United Nations Congress on the Prevention of Crime and Treatment of Offenders, to be held in 1975, should give special attention to the problem of torture (pp. 40–41).

Status of Women

27. The Department of State should urge the relevant U.N. organs and agencies to undertake practical measures:

(*a*) For insuring that its development assistance programs promote the full integration of women in the civic, political, social, economic, and cultural areas of national societies; and

(*b*) For increasing the number of women at the professional level in the U.N. Secretariat.

To accomplish these objectives the professional staff in the Directorate of Labor and Women, Bureau of International Organization Affairs of the Department should be increased (pp. 41–42).

Human Rights Program of the Organization of American States

28. The Department of State should propose that the OAS strengthen the role of the Inter-American Commission on Human Rights through adoption of the following measures:

(*a*) A public discussion by the OAS General Assembly of the substantive issues contained in the Commission's report, including allegations of human rights violations in particular countries;

(*b*) An increase in the staff of the Inter-American Commission on Human Rights; and

(*c*) The creation within the OAS Secretariat of a Human Rights Division comparable to the Directorate of Human Rights of the Council of Europe (pp. 47–48).

Nongovernmental Organizations

29. The Department of State should continue U.S. Government funding for international nongovernmental organizations in the human rights field provided:

(*a*) The funds are publicly acknowledged;

(*b*) The organization fully accounts for the use made of the funds;

(*c*) The funds do not account for a major part of the organization's budget;

(*d*) The organization has a significant number of dues-paying members in the United States;

(*e*) The Department does not introduce political considerations in deciding what organizations are to receive funds; and

(*f*) The Department does not seek to undermine the objectivity of the organizations (pp. 50–51).

DISCLAIMER OF HON. H. R. GROSS

I disclaim any participation in the preparation or contents of this report.

H. R. GROSS.

DISCLAIMER OF HON. EDWARD J. DERWINSKI

I did not participate in drafting this report. While I am in general agreement with many of the conclusions of the report, there are other conclusions with which I am in strong disagreement. Therefore, I am giving notice of this disclaimer.

EDWARD J. DERWINSKI.

"Mankind's sole salvation lies in everyone making everything his business; in the people of the East being vitally concerned with what is thought in the West, the people of the West vitally concerned with what goes on in the East."

- Aleksandr Solzhenitsyn

B. PROPOSALS: TO SAFEGUARD HUMAN RIGHTS, THE PEOPLES OF THE WORLD NEED THE COURT OF MAN

What is the Court of Man?

A proposal for a world judiciary that will be independent of states and empowered to render judgment upon those who misuse sovereign power. The proposed Court would directly serve the emerging world community. It would be constituted as a publicly obligated, but privately funded, tribunal. Its judges would proceed to adjudicate meritorious complaints without waiting for the States of the world to consent to its existence and jurisdiction (such consent would be irrelevant because of the nature of the Court). It would be modeled on numerous courts of history that are now largely forgotten--courts that were neither national nor international, but rather direct courts of community, a category of public legal forum which may be labeled extranational.

What problems would the Court of Man deal with?

Today's common affronts, threats and deprivations: toxic and nuclear contaminants inserted into air and ocean, programs that defoliate and destroy fertility, the conduct of genocide, activities that destroy family and culture, invasions of liberty of the person and of the mind. These and other dangers which have large numbers of victims and which require judicial processes continuously addressing the largest community and invoking the widest perspectives of law, invite the innovation of the direct extranational world court.

Why do we need such a Court?

Human Rights require the protection of courts. Where states are locked in conflict, aggression or violations of human rights, a forum is needed, impartial and learned, independent and permanent--an institution that will proceed with the judging process on the petition of any aggrieved party. Governments, and peoples, need judicial guidance and decisions relating to those challenged acts and programs of governments which today go unjudged under the law.

In this century, it is precisely governments that are likely to be the more massive invaders of rights. Law--international law in particular--has failed to protect humanity against outrages of sovereign power. The failure is not caused by the lack of international tribunals. It results in part from the absence of a world tribunal. The distinction is crucial.

How will the Court of Man operate?

Assume that the grievance satisfies all the criteria for justiciability; no other avenues for applying world law are available; the effects of the alleged wrong present a threat to claimed rights in the perpetuation of a bad example or in the impact of the wrong; the defendant has purported to exercise national power or has acted for himself or for some other corporate body.

The Court of Man, independent of States, will render judgment upon those who misuse power. Its jurisdiction will embrace wrongs against humanity and against the peace. Its roles, among others, will be to enjoin and to prevent, to declare regarding the rights of parties, to judge as to their liabilities, and to award or deny damages and other benefits.

Are there world standards of human rights?

More than two decades ago, the U.N. General Assembly adopted the Universal Declaration of Human Rights "as a common standard of achievement for all peoples and all nations." That document vouches that all human beings are born free and equal in dignity and rights. While armed conflict continues apace, a magna carta of human rights is being written. Precepts against genocide, torture, forcible extractions of confessions, aggression, violation of the Universal Declaration of Human Rights, all are entering the law of mankind. The Kellogg-Briand Treaty, the judgment at Nuremberg, the United Nations Charter, the standards exemplified by the work of the International Committee of the Red Cross--each is a part of the growing constitutive of world law.

Are there historical precedents for this court? And how will the Court of Man obtain compliance with its judgments?

History shows that many courts, from earliest times to the recent past, were direct and extranational courts of the community itself. Unlike the modern national and international courts, these extranational courts of history did not require the consent or permission of States in order to exist and adjudicate. The lack of immediately available power to police their judgments did not stop the early courts. The circumstance constituted a challenge and the judges used patience and ingenuity to induce the parties to submit to their jurisdiction and decrees.

The Court of Man, without restraint by States or persons, will determine in concrete cases what is the cogent law of the world community, and will apply that law so as to postulate its judgments for community's effective acceptance. A judgment of the Court, until its final satisfaction by compliance, would cast a lengthening shadow.

Have we any alternative?

For too long, the survival of the race has depended on accident: an aggression was not allowed to reach full maturity; a genocide was terminated. The world remains a stage for the accident that can bring annihilation. We continue to play as if we were to have perpetual luck. But bombs can now be delivered to the opposite side of the globe in minutes; genocide can be perpetuated without ovens. Although a world judicial process alone cannot provide all the solutions, it is one of the essential responses to the problem. Luck is no substitute for law.

Excerpted from "The Court of Man: Introduction and Invitation" by Gerald Gottlieb, President, Court of Man Foundation, Inc., 1973.

C. A United Nations High Commissioner on Human Rights, Costa Rica

In 1966 Costa Rica recommended that the United Nations establish a High Commissioner of Human Rights. The United States has since endorsed the proposal. The functions of the Commissioner as proposed are:

a) to enter States only at the request of the government concerned;
b) to have "the degree of independence and prestige required for the performance of his functions under the authority of the Gen. Assembly;"
c) to have a reporting, conciliation and to a limited extent public exposure role to play but no adjudicatory function;
d) to have "access to communications concerning human rights, addressed to the United Nations" and "to, whenever he deems it appropriate, to bring them to the attention of the government...to which any such communications explicitly refer;"
e) to report on "developments in the field of human rights including observation on the implementation of the relevant declarations and instruments adopted by the United Nations."

This latter function requires fact finding and evaluation of performance by governments.

D. World Habeas Corpus, Luis Kutner

(NOT PRINTED AT GOVERNMENT EXPENSE)

United States of America

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WORLD HABEAS CORPUS

REMARKS OF U.S. REPRESENTATIVE ROMAN C. PUCINSKI

WORLD HABEAS CORPUS

The SPEAKER. Under previous order of the House the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I have today introduced a resolution cosponsored by six Members of this House, requesting the administration to direct the U.S. Ambassador to the United Nations to call upon the General Assembly and the Secretariat and request the convening of an international convention for the purpose of drafting and adopting a World Habeas Corpus Treaty-Statute and make it available for ratification by member signatory states of the United Nations.

Alternatively, and for implementation, we urge the administration to initiate the calling of a conference of the members of the Atlantic Community and the Organization of American States for the purpose of regionally adopting and ratifying such a treaty-statute of world habeas corpus.

If the United States were to take this bold step of championing world habeas corpus as the buckler and shield of individual liberty we would reassume the initiative of capturing the imagination of mankind and, in the words of Tom Paine, we would again make "the cause of America the cause of mankind."

World habeas corpus is a step toward the strengthening of world community and the attainment of world peace. It is a practical step in the evolution of world law. As the late great President John F. Kennedy stated:

> Let us focus instead on a more practical, more attainable peace, based not on a sudden revolution in human nature but on a gradual evolution in human institutions—on a series of concrete actions and effective agreements which are in the interest of all concerned . . . For peace is a process, a way of solving problems.

The proposal for world habeas corpus was originally suggested by Luis Kutner, a Chicago lawyer and internationally acclaimed innovator in national and international law. In the wake of the rise of the Nazi dictatorship and the goose step trampling of human rights, Kutner, conceived of making the hallowed English common law remedy, which stems from the Magna Carta, into an international remedy by which an individual, who is arbitrarily detained or imprisoned, may, after exhausting all recourse to municipal law, seek international relief.

The story of how this idea has developed has been well told in an article by Dr. Ernest Katin, a lawyer and political scientist, in the winter-spring 1969 issue of the University of Miami Law Review and by the internationally renowned Prof. Harold D. Lasswell of the Yale Law School in a paper which is to be published in a symposium on world habeas corpus by the University of Miami Press.

When Mr. Kutner first proposed world habeas corpus, he was met by silence and indifference. The notion that individuals were to be protected by international law or that human rights was an international concern was not generally accepted. But he attracted the support of Roscoe Pound, who became his mentor in propagating the proposal. Noted scholars like John Dewey were attracted to the cause. He soon received the support and active cooperation of Harold D. Lasswell, Myres S. McDougal, Quincy Wright, and the then U.S. Attorney General, Francis Biddle. The late George Cardinal Mundelein reacted enthusiastically. Kutner, pursuing this cause, expended his own funds and convened conferences of distinguished scholars and jurists to develop the concept of world habeas corpus. The Commission for International Due Process of Law was formed as a tax exempt, nonprofit corporation under the laws of the State of Illinois. Dean Roscoe Pound was honorary counsel, Hans Kelsen is now honorary counsel. The world policy and executive committees consist of such well-known personages as Associate Supreme Court Justice William J. Brennan, Jr., Judge Caroline Simon of New York, General Telford Taylor, Louis B. Sohn, and Egon Schwelb. Chief Justices and other jurists throughout the world have joined as sponsors with seminars having been held in India, Hong Kong, Japan, Taiwan, Greece, France, Italy, and elsewhere. The Commission is now affiliated with the World Peace Through Law Center and has the support of the American Bar Association.

The concept of world habeas corpus has been extensively elaborated in numerous scholarly publications, national, and international, and in a book by Kutner, entitled "World Habeas Corpus," which was published by Oceana.

World habeas corpus is a legal ligament for international order in providing protection for the individual as a subject of international law. It is premised on the concept that man, as the subject of international law, should have his individual security guaranteed by an international treaty-statute enforceable by a competent rule of law. It involves no impairment of the sovereignity of states. The proposal does not in any way involve the setting up of a world government.

The proposal for world habeas corpus is based on the premise that human rights is a shared value for world order.

International law and practice has manifested a growing concern for human rights.

International concern for human rights was first expressed in efforts to outlaw slavery, expressions of humanitarian concern with respect to the persecution of Jews and in the development of the Rules of War. Following the end of World War I international protection of human rights was further expressed in the minorities treaties, the League of Nations mandates and the conventions of the International Labor Organization.

Following World War II, human rights and the individual received new international recognition with the Nuremberg Charter and the trial of Nazi and Japanese war criminals. When individuals can be made personally responsible for violations of international law, it logically follows that they have rights in international law which they should be permitted to assert and which is buttressed by a summary, effective legal remedy.

The signatories to the United Nations Charter obligated themselves to promote the universal respect for the observance of human rights and fundamental freedoms. These rights and freedoms were codified by the Universal Declaration of Human Rights which was adopted unanimously by the General Assembly of the United Nations and has been reaffirmed continuously in a series of resolutions.

The protection of human rights has been furthered by the adoption of the United Nations Covenant on Political and Civil Rights. Article 9 of the Declaration on Human Rights and the Covenant affirms that "everyone has the right to liberty and security of person" and "no one shall be subjected to arbitrary arrest

or detention."

The protection of human rights has also been affirmed with the adoption of the International Convention on the Elimination of all forms of Racial Discrimination and in expressions of United Nations concern regarding the trampling of human dignity in the imposition of apartheid in South Africa and the policies of suppression in the Portugese colonies in Africa.

In addition to United Nations action, human rights has been furthered by the adoption of regional conventions, including the European Convention on Human Rights and Fundamental Freedoms and the Declaration of the Rights of Man of the Organization of American States. Of most significance is the European declaration which contains provisions for enforcement through a commission.

Enforcement procedures have constituted a serious gap in the law of international human rights. The United Nations Covenant on the Eliminations of all Forms of Racial Discrimination and the Covenant on Political and Civil Rights contain but limited and halting provisions for enforcement.

Would habeas corpus provide the means for the filling of this vacuum. As the Honorable Arthur J. Goldberg has perceived:

> The idea of worldwide habeas corpus, internationally recognized and enforceable in an appropriate international court, can only be applauded by those who are dedicated to the rule of law and the attainment of lasting world peace. For the very term "rule of law" or "due process of the law" implies a procedure such as habeas corpus; a means whereby official detention can be challenged and, if not justified on the basis of valid laws, terminated. Without this simple procedural mechanism, many of the substantive rights that have been recognized as so important in the cause of peace must remain little more than mere aspirations. With the advent of international habeas corpus, and the universal respect for human rights that it would encourage, a long stride toward a peaceful world would be taken.

As Sir Winston Churchill well perceived, "world habeas corpus is the difference between civilization and tyranny."

It is, in the words of Justice Kotaro Tanaka of the International Court of Justice, "a most elementary and primary necessity or conditio sine qua non of the world community that there shall exist no vacuum in the world in regard to the habeas corpus and that, therefore, the natural law principles of the habeas corpus shall be vested with positive effect as soon as possible."

Our distinguished and learned U.S. Solicitor General, Erwin N. Griswold, former dean of the Law School of Harvard University has stated:

> Luis Kutner has done great work for World Habeas Corpus. If it can be made to grow in strength it can become a mighty power for order and decency and peace in the world.

World habeas corpus embodies adherence to a universal standard of respect for human rights while taking account of cultural diversities. Nine regional circuit courts of world habeas corpus have been proposed to reflect procedures in differing legal and cultural systems staffed with lawyers capable of processing writs of world habeas corpus. There would also exist a world tribunal. Individuals who are arbitrarily detained would, upon exhaustion of all available domestic recourse, have the right to appeal to the appropriate regional tribunal for the adjudication of their rights. The tribunal would be empowered to order the detained person to be brought before it and would determine whether he is being detained in accordance with international due process of law. It would have the authority to order the individual's release upon a finding that the detention did not accord with international standards. The individual would also have a right of appeal to the world tribunal of world habeas corpus.

The world habeas corpus system need not be totally implemented all at once. Conceivably a group of nations may agree to the formation of a world habeas corpus circuit. The nations of the Atlantic community, or those nations belonging to the common law tradition or situated in the Western Hemisphere may set the process in motion by establishing a circuit. The resolution here presented permits precisely this approach though world circuits are the final goal.

As former Chief Justice Leonard Sutton of the Colorado Supreme Court has observed:

> History teaches us that the progress of the human race has always been one of struggle to achieve the better way of life, more perfect justice and more peaceful existence. The writ of habeas corpus has been one of the most potent weapons yet devised in man's attempt to follow paths to these fundamental and rightful goals. Mankind will somehow, some way, and hopefully very soon, use this ancient, revered and versatile remedy to serve his need for human freedom on an international basis. Surely, Regional International Courts of Habeas Corpus are within reach. Once created and obeyed, they will permit those who in good faith adhere to the precepts of the United Nations Charter, to see to it that at least, in their countries, there is protection against arbitrary arrest and unlawful detenion. Hopefully, this safeguard can gradually be extended to all men everywhere.

Prof. Quincy Wright, a long-time supporter, regards world habeas corpus as "a fundamental requirements of human justice."

The writ of habeas corpus, or anologous writs such as Amparo in the Latin American nations, have been universally adopted as summary remedy for arbitrary arrest. The Honorable Zafrula Khan, former president of the General Assembly of the United Nations and Justice of the International Court of Justice declares that:

> The Writ of World Habeas Corpus is a procedure designed to make effective what has largely come to be known as the rule of law, as a contrast to the arbitrary exercise of executive authority. The Rule of Law is firmly rooted in Islamic jurisprudence, and there is nothing in the concept and procedure of the Writ to create any problem or difficulty for an Islamic State. The whole trend of Muslim juristic thinking lends strong support for the effective safeguards for human freedom.

A petition for a writ of world habeas corpus was filed with the Commission on Human Rights of the United Nations for the release of Associated Press Newsman William N. Oatis from detention by authorities in Czechoslovakia. According to the Honorable John V. Beamer, who was then a member of this House and had labored for Oatis' release, recalled in 1958:

> Six years ago, when the Associated Press reporter William N. Oatis was imprisoned illegally by Czechoslovakia, Mr. Kutner cooperated with me in my fight to free Oatis and filed a petition for a U.N. writ of habeas corpus before the Human Rights Commission. It was a debatable legal question whether the petition could be entertained by that body. Tremendous pressures arose for its consideration, but before action was taken, Mr. Oatis made coerced confessions and was released. I believe that the Kutner petition was greatly instrumental in assisting me in speeding Oatis' release.

In 1967 another petition for a writ of world habeas corpus was filed with the Human Rights Commission of the United Nations to obtain the release of former Congo Premier Moise Tshombe following the hijacking of his plane and kidnaping to Algeria. The public attention focused by this petition was a factor in averting the contemplated extradition of Tshombe to the Congo and certain execution. The ultimate death of Tshombe on June 30, 1969, as the forgotten former head of state, is an acute reminder that wrongful imprisonment demands a world remedy where national legal processes are delinquent.

When two Israelis, passengers on a hijacked TWA plane to Damascus, were detained by Syrian authorities, Kutner prepared a petition for a writ of world habeas corpus after consultation with Israel and American authorities. Prior to filing the petition with the United Nations, a copy was sent to the Syrian Ambassador. A legal confrontation developed. A few days later the Israelis were released.

Currently Kutner and the Commission for International Due Process of Law have focused on the oppression of Christians, Muslims, and Jews in the United Arab Republic, Syria, and Iraq. A petition for a writ of world habeas corpus is being prepared on behalf of 70 persons slated for a mock trial and, possible, certain execution in Iraq.

These petitions have contributed the case precedents to blazing the trail for conferring a competent status upon the individual to seek redress before international tribunals.

An institutional remedy for the protection of human rights is most pressing. In many parts of the world human dignity is being trampled upon. In the Soviet Union writers and artists expressing dissenting ideas have been arbitrarily imprisoned and exiled. In Cuba and Haiti, individual rights have been trampled. In Iraq, Christians, Jews, and Muslims have been executed without the semblance of a fair trial. In the United Arab Republic, groups of individuals have been subjected to tortures in prisons reminiscent of Nazi concentration camps. In the Sudan, Christians have been subjected to killing and harassment. The racial policies of South Africa have shocked the conscience of mankind.

The trampling of human rights is an ever-present threat to world peace. The struggle for human rights cannot be suppressed. If no legal recourse is to be provided, these rights will be asserted by no other means. No longer can it be said that human rights is of no international concern. The question is whether to resolve these matters by institutional and legal means or throughout international anarchy.

World habeas corpus provides the means through the rule of law. The role of world habeas corpus was well described by Associate Justice William J.

Brennan of the U.S. Supreme Court:

What is important is the obvious utility of world habeas corpus as a tool for the avoidance of the dangers of the police state, and its great promise as a contribution toward preserving and furthering world peace by repudiating, through an enforceable international rule of law, systematic and deliberate denial of human rights. The plan requires no surrender of national sovereignty to a supranational state and there is more than a feeble hope that the nations of the world would perceive that the plan would indeed serve their national interests . . .

U.S. support for establishing world habeas corpus tribunals would provide hope and confidence as to the securities of individual liberty throughout the world. World habeas corpus would, in the long run, enlist more hundreds of millions of persons in support of the principles of individual freedom than any amount of financial aid that might ever be granted to them by our Nation. World habeas corpus will strengthen the forces of peace and guarantee individuals throughout the world with the personal peace of personal liberty. It will erect a worldwide barrier against the knock on the door at 3 a.m.

As the eminent international law authority, Yale professor Myres S. McDougal, has commented:

It was appropriately urged by the late Judge Hersch Lauterpacht that until "an effective right of petition—which means a right of petition with the right to have it investigated with the view to such action being taken upon it as is necessary—is granted to individuals concerned or to bodies acting in their behalf, any international remedy that may be provided will be deficient in its vital aspect." . . . For the larger community of mankind genuinely aspiring toward improved implementation of human rights the proposal for internationalizing habeas corpus would appear to offer plausible hope for remedying the greatest defect in its present armory of institutional practices. Certainly the United States could have nothing to lose, save its reputation for indifference to the human program, by vigorous and positive action in exploration and promotion of the potentialities that inhere in the World Habeas Corpus proposal.

The rule of law has many images, and it has many spokesmen. In world history, from time to time, it has been ignored or violated by iron-willed, narcissistic, or phychotic rulers; but it is the only ligament that permeates the ever enlarging domain of the purpose and society of man.

The rule of law is not technology, it is not gadgetry of some mysterious cult. Nor is it any forbidding social monster. The evolution of law—rules of conduct that are permissive and prohibitive—is a constant adventure of the human spirit. It seeks to buttress faith in an order of reason out of a chaotic universe of which man is a part in his quest for individual security, opportunity, and meaningful peace.

In other words, the rule of law is a wellspring of human discontent that stirs man to seek more of life than merely a place of abode and to eat and sleep. And that human discontent flames higher with each generation. However, it fails to keep step with advancing scientific, chemical, military, and agricultural technology, albeit though the discontent is nurtured by the desire to realistically contemplate the achievement of the highest of social ideals for the condition and existence of man.

The emergence of the human being as subject and not object of law—domestic or international—is of significance in the current space age explorations of the entire universe and probably the entire galaxy. The accelerating age of science and technology comes to grips with the very nature and purpose of man as to what basically constitutes a good life in a turbulent world society.

While collective science concerns all of mankind, all nations, be they emerged or emerging, or expanding or contracting, recognize the truth that the progress of law, to permit people to live peaceably, productively, and nonhurtfully, is the only durable conquest of the story of humanity in the earthbound and space worlds.

History records the jailing, torture, degradation, and executions of men of science, men of law, and men engaged in "revolutionary activities" who dared to suggest social designs for shaping social and cultural patterns. It is a tragic cliche of a contemporary age to reject the dreams of the progressive thinkers. As genuine revolutionaries, developing cultural patterns and fostering vigorous sciences, explorations, and inventions, men and women have been condemned by a society devoid of discernment to recognize ability or to govern itself rationally and with justice.

The enigma of history has been the relentless pace of progress in the face of obstinate and obsolescent opposition. Since man, with his limited knowledge, is the cause of violence, it is a wonder and excitement that the world has reached the incredible plateau of being able to convene a World General Assembly of United Nations to exchange and debate viewpoints in the quest for peace and the implementation of the security of human rights. The divinity of rulers and the perfection of politicians are no longer dogma or accepted on an absolute basis. It is the constant compliment to man to discover his own inadequacies and to develop the implementations that point to ultimate truths.

Law, being self-revising, recognizes that there is no absolute right or absolute justice, but it does recognize that interpersonal relations between men and nations are connected and responsible to each other. To live comfortably and peaceably with law, it is necessary to live with dynamically changing systems of cultural, national and political concepts.

Responding to the interpretations of the needs and complexities of mankind, conservative attitudes are necessary to thwart and resist the easy abandonment of national and international concepts of law and religion. Not only are the rule of law and religion constantly subject to change, but its prophets of law and religion for a better world are under challenge themselves.

Organizations, such as the World Peace Through Law Center, International Bar Association, international law committees of national and local bar associations, now enjoy the stimulation of intellectual exchanges dedicated to the end that the collective rule of law be made understandable to the world public. This mutual goal is one of constant education and intellectual discipline. This includes a constant reassessment of governmental obligations to live up to its contracts with its citizens that there be no violation of the human person or the realistic impairment of the sovereignty of nations.

Those engaged in bringing into being the world cultural pattern of the rule of law are a sensitive group. This group is not capricious or whimsical, but is endowed with historical optimism. They have the courage to forcefully tackle the awesome problems of creating an affirmative, behavioral world court. This is the true approaching tide of progress, recognizing that man will always be a small island isolated in a vast hostile sea.

This then is the continuous creation of the men of law, the age of the rule of law. With it comes the promise of what the life of man can be with peace, education, food, adequate housing, and human freedom for all. It leads to a more even balance between individualism and collectivism.

The men of the rule of law for world habeas corpus commit themselves to build a world where mankind will not live at the razor edge of danger. The men of the rule of law have a vital, flexible, and ever-evolving concern about the nature and purpose of man and what constitutes a good life and a good society. It is to them that the human dimension of world habeas corpus is entrusted.

Mr. Speaker, in this age of instant annihilation this beacon light of world habeas corpus for human justice may well be our last hope of preventing the world apocalypse.

The day of world habeas corpus must not be delayed.

As Justice Brennan has stated, Luis Kutner has performed an invaluable service for the world. He has earned the tribute of a grateful mankind.

(See RESOLUTION on Last Page)

91ST CONGRESS
2D SESSION

H. RES. 898

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1970

Mr. PUCINSKI (for himself, Mr. BUTTON, Mr. DINGELL, Mr. FRASER, Mr. HARRINGTON, Mr. NIX, and Mr. SCHEUER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Whereas it is acclaimed that world peace is basically a matter of human rights; and

Whereas nation states have, as signatories to the United Nations Charter and as members of the General Assembly, unanimously adopted and reaffirmed the Universal Declaration of Human Rights and have adopted other international covenants and declarations thereby solemnly assuming binding obligations to protect and promote human rights and fundamental freedoms; and

Whereas, despite international declarations concerned with the dignity and worth of the individual as a human being, he still remains an object of international law with no competent means for asserting his rights to seek freedom from arbitrary detention, to protect his social well-being, and to live in a world based on peaceful relationships; and

Whereas world habeas corpus offers a competent and concrete international procedure by which any individual, who is arbitrarily detained or deprived of his liberty, may seek recourse to a system of regional international tribunals for adjudication of his rights in accordance with developing principles of international due process of law so that he may not be deprived of his liberty or of his vested rights without procedural safeguards according to standards of reasonableness; and

Whereas world habeas corpus has been acclaimed and endorsed by international jurists and scholars as a legal absolute and ligament for international order in providing protection for the individual as a subject of international law, premised on the concept that man, as the subject of international law, should have his individual security guaranteed by an international treaty-statute with agreed minimal concession of sovereignty as is present in all treaties; and

Whereas world habeas corpus has been universally acclaimed an effective remedy for implementing international principles of human rights; and

Whereas world habeas corpus promotes the international protection of human rights and can be regarded as an instrument of transnational communication in developing an international political culture; and

Whereas world habeas corpus and the international protection of human rights are concepts from the traditions of the American Revolution, the United States, and freedom-loving peoples of the world, and by promoting world habeas corpus would make the cause of America the cause of mankind; and

Whereas world habeas corpus provides an effective procedure for waging the struggle for human rights through legal means as an alternative to the struggle which is now being waged within the context of international anarchy; and

Whereas, world habeas corpus involves no impairment of the sovereignty of states nor does it in any way involve the setting up of a world government: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that world habeas corpus be adopted as an international summary remedy:

(1) That the President of the United States and the Secretary of the Department of State instruct the United States Ambassador to the United Nations to call upon the General Assembly and other suitable United Nations organs for the purpose of developing and adopting a world habeas corpus treaty statute and to make it available for ratification by member states;

(2) Alternatively, that the United States Government initiate a conference of the nation states who are members of the Atlantic community or the Organization of American States for the purpose of adopting such a treaty statute and making it available for ratification by conference participants;

(3) That the President of the United States assert leadership on behalf of world habeas corpus and the international protection of human rights through all available diplomatic resources at this command.

VIII. Religious Liberty

A. 58 WORDS, TWO COMMAS:

Snail-Like Motion Toward a U.N. Declaration for Religious Freedom

by Dr. Homer A. Jack*

1. INTRODUCTION

Once again the U.N. Commission on Human Rights has made minimum progress toward completing a draft of a U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

Since 1962 the U.N. system has tried to draft both a declaration and a convention—a treaty—for religious freedom. Since 1962 the resistances have been cumulative. Some representatives of Governments and of accredited non-governmental organizations, including religious groups, in the late 1960's gave up all possibility of achieving this goal. Others have refused to give up and continued to take seriously one purpose of the U.N. which is to promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."

After several false starts, renewed activity on this objective was begun at the 27th General Assembly in 1972. The U.N. Commission on Human Rights was asked to elaborate the wording of a declaration at its 30th session, meeting in 1973. It adopted—"provisionally"—only 88 words, including the title and one article of the preamble. The next session of the Commission achieved more and adopted, again provisionally, a record number of 238 words —six additional paragraphs of the preamble. The most recent session of the Commission, meeting at Geneva in February/March 1976, adopted a scant 58 words—one additional paragraph of the preamble. It did not even finish the preamble or begin the operative sections.

How assess this snail's pace? Ambassador Leonard Garment, U.S. representative to the Commission, in a speech at Washington, predicted that the "declaration is years away from adoption but its direction is already obvious." He also charged that "under relenting Communist bloc effort and pressure, the draft declaration is being transformed from a benign, if modest, affirmation of religious values into an instrument that can serve to undermine the legitimacy of religious organizations and religious practices, and may indeed be used to legitimize their repression in hostile countries." Others have pointed to the lack of progress in drafting this declaration as one more evidence that the U.N. is completely politicized on human rights issues and can no longer be taken seriously in this field.

This Memorandum is another in a too-long series recording the history of this U.N. exercise. It cannot reflect optimism, only patience.

—H.A.J.

New York, N.Y., May 19, 1976.

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*Dr. Jack is Secretary-General of the World Conference on Religion and Peace, an international non-governmental organization in consultative status with ECOSOC.

2. WHAT HAPPENED

With the Third Committee of the 30th session of the U.N. General Assembly falling far behind in its work during the autumn of 1975 because of the turmoil over the racism/Zionism resolution, it never got to the agenda item entitled "Elimination of All Forms of Religious Intolerance." Instead, the Committee and plenary approved without a vote, the recommendation that this item, along with several others also not discussed, be placed on the provisional agenda of the 31st General Assembly. In the meantime, the Commission on Human Rights continued to be seized with finishing this draft declaration.

The 32nd session of the U.N. Commission on Human Rights, meeting at Geneva from 2 February through 5 March 1976, had before it agenda item 32 entitled "Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief." During its organization of work, the Commission decided, as it did at the 31st session, to establish an informal working group, open to all of its 32 members, to continue the consideration of a draft of the declaration.

The first meeting of the Working Group was held on 10 February, more than a week after the Commission session commenced. Mr. Pierre Juvigny of France was again elected Chairman/Rapporteur. A total of seven meetings were held by the Working Group. It discussed the text of the fifth and ninth paragraphs of the preamble, provisionally adopting the former but not finishing the latter, owing to lack of time.

The Working Group made a formal report to the plenary. At the same meeting Prof. Felix Ermacora of Austria introduced a draft resolution. In its preamble, this declared that the Commission had been "unable to prepare more than the preamble of the draft Declaration and that all the substantive articles are still undiscussed." It also asserted that "if the work continues at the same pace, a draft of the said Declaration cannot be expected in the next few years and the Commission will not meet the clearly expressed wish of the General Assembly in the above-mentioned resolutions." The operative paragraph asked the Commission to establish an open-ended Working Group of States members of the Commission, to meet during one week between sessions, with the mandate to elaborate a draft and submit it to the 33rd session of the Commission. The resolution also asked the Commission at its 33rd session to consider the draft "as a matter of high priority."

Prof. Ermacora orally revised the resolution and then, after some debate, agreed he would not press his draft resolution to a vote. No doubt the Soviet bloc objected for financial and other reasons. Instead Prof. Ermacora asked that the Commission decide to establish an open-ended working group to meet three times a week beginning in the first week of the 33rd session of the Commission for a total of 15 meetings, with the Secretary-General being asked to provide necessary interpretation facilities. This proposal was adopted without a vote.

The work of the 32nd session of the Commission was briefly discussed by the 60th session of ECOSOC in May 1976. Several representatives in commenting on the Commission referred to the lack of progress in drafting the declaration. Mr. Theo. van Boven of the Netherlands referred to the "very little" progress made in drafting the declaration. Mr. Leonard Garment of the U.S.A. said the effort "is too important to abandon" and it is "essential that we consider alternative strategies that are more likely to produce constructive action in the foreseeable future than the course we are presently pursuing."

The item is number 76 on the preliminary list of items to be included in the provisional agenda of the 31st session of the General Assembly due to open on 21 September 1976. The 33rd session of the Commission will meet at Geneva 7 February to 11 March. The Working Group is scheduled to hold 15 sessions, but France failed to receive a renewed term on the Commission in a vote at the 60th session of ECOSOC and thus the chairman of the working group, Mr. Pierre Juvigny, will have to be replaced.

3. THE DEBATE

The working group began by discussing the fifth paragraph of the preamble. Before it from the previous session were drafts by the Byelorussian SSR and the Netherlands (although the latter, in the meantime, ceased to be a member of the Commission). These two drafts were as follows:

Byelorussian Draft	Netherlands Draft
Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that their abuse for political or other ends inconsistent with the purposes and principles of the present Declaration is inadmissible.	*Considering it essential* that Governments, organizations and private persons should strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief, and that they should not engage in any activities or perform any acts aimed at the destruction of any of the purposes and principles set forth in the present Declaration.

There was some discussion of the word, "abuse." Finally, Byelorussia submitted a revised text and this was adopted, as follows:

Agreed Text

Considering that it is essential to promote understanding, tolerance and respect in manners relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible.

The agreed text at least has the merit of omitting the tentative characterization of "abuse" inserted by Byelorussia. Also it omits the concept of the "political" use of religion, one that the Eastern Europeans also emphasized. The Western members indicated that while religion has at times been "political," this has been both positive (such as condemning colonialism and racism) as well as negative (promoting colonialism and racism). Bulgaria wanted to include a clause that religion and belief should not be used for ends inconsistent with "national legislation." It reserved its right to insert this concept in the operative parts of the declaration.

With the sixth, seventh, and eighth paragraphs previously adopted–provisionally–the working group returned to the ninth or final paragraph in the preamble. This had also been previously considered and again both Byelorussia and the Netherlands had texts on the table.

Byelorussian Draft

Convinced that the right to freedom of religion or belief should not be abused so as to impede any measures aimed at the elimination of colonialism and racialism.

Netherlands Draft

Convinced that the right to freedom of religion or belief should not be abused as a means to pursue or to continue any ideologies or practices of colonialism and racism.

During the discussion, the Soviet Union asked that the following phrase be placed at the end of the Byelorussian draft: "or to endanger international peace, friendship and cooperation among States and peoples." Then Byelorussia submitted a revised draft and the U.S.A. submitted a new text:

Byelorussian Revised Draft

Convinced that the right to religious freedom or freedom of convictions should not be abused in order to set back or raise obstacles to any measures directed towards the elimination of colonialism and racism, or to use it as a means to carry out and continue any ideology and practice of colonialism and racism, or to set back or minimize the interests or destroy the interests of the strengthening of general peace and security, friendship and cooperation between peoples and States.

U.S.A. Draft

Convinced that the prevailing sentiment of adherents of religion and of religious organizations is to support efforts to achieve the goals of world peace, social equity and the elimination of all forms of practices of racial and ethnic intolerance, and that freedom of religion and belief should not be abused as a means to pursue any ideology or practice contrary to such goals.

In the debate, the Federal Republic of Germany, Austria, Canada, and Byelorussia made amendments to the U.S. text. Germany suggested that the words, "prevailing sentiment," be replaced by "efforts." Austria suggested that "efforts" be replaced by "Convinced that religious organizations contribute to the efforts." Also it suggested that "any ideology and practice" be replaced by "any ideology or ideological practice." Canada proposed that the phrase, "the prevailing sentiments of adherents of religion and of religious organizations is," be replaced with "it is essential." Byelorussia proposed that, at the end of the U.S. text, the phrase be added, "in particular the ideology and practice of colonialism and racism." In the discussion it was again alternatively stressed that organized religion had played a role in the fight against colonialism and racism and in promoting them.

Some suggested that discussion on this paragraph be discontinued on the grounds that the substance was already embodied in the fifth paragraph of the preamble. It was also suggested that the substance of the proposals could be included in the operative parts of the declaration. Others maintained that it was essential that the concepts be included in a distinct paragraph in the preamble. Two additional texts were proposed, one by the U.K. and another, a third revised text, by Byelorussia:

Byelorussian Revised Draft

Convinced that it is essential to support efforts to achieve the goals of world peace, social justice and friendship between peoples and States and that freedom of religion and belief should not be abused as a means to pursue any ideology or practice contrary to such goals, in particular the ideology and practice of colonialism and racism.

U.K. Draft

Convinced of the important contribution motivated by religion and belief that has been and is being made towards the struggle against colonialism and racial discrimination and convinced that the right to freedom of religion and belief should not be abused so as to impede measures aimed at the elimination of colonialism and racial discrimination.

Owing to lack of time, the working group was unable to agree on a text for this paragraph.

4. CONCLUSIONS AND NEXT STEPS

A. The snail-pace accomplishments of the 32nd session of the U.N. Commission on Human Rights in elaborating this Declaration on the Elimination of All Forms of Intolerance once again raises the question of the continuing utility of this human rights project.

B. Some observers from participating States and non-governmental organizations are concluding that the whole effort to draft this declaration is hopeless and should be truncated. They give the following reasons: 1–The coalition ("conspiracy"?) between the socialist and some non-aligned States will continue to sabotage the completion of any useful instrument; 2–This coalition may result in completing a declaration which might even be harmful to religious freedom; and 3–The coming into force of the International Covenant on Civil and Political Rights provides a legal instrument which can be useful to lessen religious discrimination, at least in the States ratifying it, and thus further instruments are less needed.

1. Is there a coalition and even a conspiracy between the socialist and some non-aligned States to thwart progress on this issue? There is ample evidence that a–the socialist States members of the Commission are fighting the completion of any declaration and b–some of the non-aligned States members are disinterested in this item and may be passively cooperating with the socialists on this strategy. As a result, the Western States which have traditionally advocated a declaration may not obtain the necessary votes to adopt such a declaration with worthwhile wording. The *Sunday Times* of London in an article entitled, "A Conspiracy to Oppress," asserted that the Commission was "perhaps the most poignant and disgraceful of false international pretenses that the governments of the world have yet had the temerity to devise."[9] Ambassador Leonard Garment, U.S. member of the Commission, added to this interpretation in his April 1976 speech and called the overall posture of the Soviet Union and some Third World States as engaging in a conspiracy. Ambassador Garment asserted: "What is at work is indeed a conspiracy, that is, a pattern of concerted acts by men from many countries at numberless meetings and in different places, with varying primary motives and objectives but with a common and almost universally desired consequence: the weakening of the ideas and forms of the democratic West and the strengthening of the ideas and forms of totalitarianism . . . The Warsaw Pact countries are at the center of the conspiratorial circle, but the alarming fact is that the Soviet Union and its satellites now provide mainly ideological and strategic inspiration. Most of the legwork is performed by Third World countries."[10]

While there is some evidence to substantiate Ambassador Garment's allegations, there is more evidence to conclude that, on the elaboration of this one instrument against religious intolerance, there is at least a coalition based on mutual interest (or disinterest) which results in the lack of progress.

2. Is it true that, not only has this coalition tried to slow down the completion of this declaration, but it has tried to pervert its very essence? Some representatives of religious organizations concluded that this was happening as early as the late 1960's, and the result would be a watering down of the rights of religion enshrined in the Universal Declaration and in the International Covenant on Civil and Political Rights. Ambassador Garment revived these charges in 1976. He further asserted: "It is no longer a declaration clearly intended to protect the individual's religious belief from acts of official intolerance. Rather, it is slowly taking shape as a twisted text designed to limit religious freedom and individual belief on the pretext that religion breeds intolerance, racism, and colonialism, causing threats to peace and this is the critical factor–endangering state security. Under unrelenting Communist bloc efforts and pressure, the draft declaration is being transformed from a benign, if modest, affirmation of religious values into an instrument that can serve to undermine the legitimacy of religious organizations and religious practices, and may indeed be used to legitimize their repression in hostile countries."[11] Again, these allegations contain some truth, but the real test will come during the negotiations on the operative section of the declaration. These have not yet begun in this decade, although they were undertaken during the 1960's with results which would somewhat endorse Ambassador Garment's predictions.

3. Will the entering into force of the International Covenant on Civil and Political Rights make the need for a declaration (and subsequently a covenant) on religious freedom less necessary? Article 18 of the International Covenant contains four sections devoted to religious freedom. The first somewhat parallels Article 18 of the Universal Declaration of Human Rights and reads as follows: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." However, as in the Declaration (Article 29), there is even a more particular escape clause for religious freedom. Section 3 of Article 18 of the Covenant reads: "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others." Given the entering into force of this Covenant, in March 1976, more than a decade after its being drafted and signed, and with an optional protocol also existing (but ratified by fewer States), every attempt should be made to test the use of this covenant in the field of religion. However, it is still the judgment of this writer that these tests should not preclude the continuation of elaborating a distinct declaration against religious intolerance to be followed, if it is then felt useful, by a convention on this same subject.

C. Other observers, and indeed participants, in this slow process of elaborating a declaration are concluding that the effort must continue, but they do so without any hope for immediate success and indeed without any enthusiasm. They feel that the present States sponsors of the new effort (begun in 1972) cannot walk away from the project. It would be psychologically wrong. Moreover, those States which are resisting might just continue the project and adopt a declaration which, in Orwellian terms, and probably around 1984, will thwart religious freedom rather than enhance it. Indeed, some feel that to continue to elaborate a declaration is a chief function of the Commission on Human Rights at this time in its history. This exercise keeps the Commission out of further mischief! It also has the virtue of keeping the issue of religious freedom alive in world bodies.

D. A few observers, and this author is one, will not admit defeat, even if they hardly feel ebullient about the project. They detect a failure of nerve, if not a self-defeating prophecy, in both some NGOs and some Western participants. Have non-governmental organizations really worked hard enough to acquaint public opinion, and ultimately governments, about the necessity of this instrument? Have even Western Governments worked hard enough during the actual negotiations? It is one thing to bemoan delaying Soviet-bloc tactics and even Third World indifference; it is quite another to counter both with aggressive—but diplomatic—pressures. Based on the theory that the effort must continue, and indeed can succeed, the following recommendations are made:

1. Non-governmental organizations could give this issue of the U.N. completing a declaration much higher priority. How many organizations have adopted a resolution of their international bodies, both acquainting their members of this effort and pressing governments to take stronger action? Toward this end, concerned non-governmental organizations—especially religious bodies—could do the following: a. A widely-circulated booklet about the history and potential of this declaration could be issued. b. A group of religious and legal scholars, from the larger world religions and the major world regions, could meet to devise and adopt a model U.N. declaration. This could be endorsed by prominent personalities. c. More non-governmental organizations could be present as observers during the annual session of the Commission on Human Rights when the text is further elaborated. (Very few were present at the working group during the 32nd session at Geneva in 1976.) d. Non-governmental organizations could contact States members of the Commission from the Third World. (See Appendix D.) They could make clear that the effort to draft a declaration is not a neo-colonial exercise, not an attempt to preserve the status of Christianity in their countries. It is a worldwide effort on behalf of all religions, or none, and is not directed against the present policies of any State or group of States.

2. Friendly governments could give this issue much higher priority than they have done in recent years. a. States members of the Commission especially interested could attach to their delegations at the 33rd session of the Commission expert-advisors who would give their full time during the five-week session to help complete the declaration. Even if only three or four States would appoint such full-time specialists, their negotiations during the session could make an appreciable difference, especially if the socialist bloc were notified in advance so that they might also bring to Geneva persons who would devote their full time to this project. b. Governments could demand new modalities for the working group. It is now open-ended (any member of the Commission can participate) and works through consensus. Progress in the past on human rights instruments at the U.N. has also been made through voting. While it might not be easy, and indeed initially time-consuming, to change the rules, there is nothing sacrosanct about the present modalities, except that they use up the most time and result in the lowest common demoniator. c. Governments should not spend too much time bringing up the issue either in ECOSOC or the General Assembly. Discussion in these bodies perhaps can put additional pressure on the Commission, but the Commission seldom hurries its work because of such actions. d. Governments in the West might consult on how this issue could be constructively handled during the review of the Helsinki Accords in Belgrade in 1977. (See Appendix E.) Perhaps this conference of signatories could recommend further progress in the elaboration of an instrument by the U.N. as a method to lessen religious intolerance in Europe. e. Some State might sponsor a U.N. regional human rights seminar devoted to this topic. This might be useful in itself but also stimulate the elaboration of a regional declaration. Perhaps regional declarations against religious intolerance would help the development of a universal one.

E. A worthwhile U.N. declaration can yet be adopted, even if only a half-dozen States have both the will and the follow-through, even if prodded by only a dozen international NGOs.

5. APPENDIX

A. Provisionally Adopted Paragraphs

Draft Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief

(1) *Considering* that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

(2) *Considering* that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief, including the right to choose, manifest and change one's religion or belief,

(3) *Considering* that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

(4) *Considering* that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

(5) *Considering* that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

(6) *Noting with satisfaction* the adoption of several and the coming into force of some conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

(7) *Concerned* by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

(8) *Resolved* to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief.

B. Statement by NGOs (E/CN.4/NGO/188)

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the Agudas Israel World Organization, Baptist World Alliance, Co-ordinating Board of Jewish Organizations, Federation for the Respect of Man and Humanity, Friends World Committee for Consultation, International Catholic Child Bureau, International Council of Jewish Women, International Federation of Settlements and Neighbourhood Centers, International Council on Jewish Social and Welfare Services, International Council on Social Welfare, International League for the Rights of Man, Pan-Pacific and South-East Asia Women's Association, World Association of World Federalists, World Conference on Religion and Peace, World Federation of Catholic Youth, World Jewish Congress, World Muslim Congress, and Zonta International, non-governmental organizations in Category II consultative status, and by Christian Peace Conference and the International Association for Religious Freedom, non-governmental organizations on the Roster.

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296(XLIV).

(20 January 1976)

The United Nations General Assembly has been directly concerned with the issue of discrimination in religious rights and practices at least as far back as 1953. In 1962 the seventeenth session of the General Assembly in resolution 1781(XVII) requested the Economic and Social Council to ask the Commission on Human Rights to prepare both a draft declaration and a draft convention on the elimination of all forms of religious intolerance. The United Nations system has been seized with this issue intermittently since that time.

The twenty-ninth session of the United Nations General Assembly in resolution 3267(XXIX) requested the Commission on Human Rights to submit, through the Economic and Social Council, to the thirtieth session at Geneva in February/March 1975 the Commission continued drafting the Declaration in an informal Working Groups. Unable to complete its task, the Commission voted to intend to give priority to the drafting of the Declaration at its thirty-second session. Although the thirtieth session of the General Assembly had the item on its agenda, the Third Committee, for lack of time, was unable to consider the item and give any new directions to the Commission on this issue.

Non-governmental organizations have been deeply concerned about this issue and the possibility of elaborating a declaration and a convention on this subject for many years. The most recent communication (E/CN.4/NGO/176) was submitted by twenty-three non-governmental organizations on 28 January 1974.

Today the organizations listed above continue to express deep concern about the inability of the Commission or other organs of the General Assembly to complete this task. In two consecutive sessions of the Commission, only the title and seven (out of nine) paragraphs of the preamble have been provisionally adopted, and the operative paragraphs have yet to be considered.

In the meantime intolerance and discrimination based on religion or belief continue on most continents and involve many religions and beliefs. We continue to feel that the elaboration of a declaration and eventually a convention will set a necessary standard by which religious minorities and governments can measure progress in this essential field of human rights.

Non-governmental organizations will continue to observe the elaboration of these instruments and continue to offer their services in any way to help hasten the conclusion of this process.

C. Chronology of the Effort

1948 – The Universal Declaration of Human Rights was adopted by the U.N. and Article 18 proclaims the right of freedom of religion and the practice of religion.

1953 – The Sub-Commission on Prevention of Discrimination and Protection of Minorities (Sub-Commission hereafter) included a study of discrimination in religious rights and practices in its list of projected work.

1956 – The Sub-Commission decided to proceed with the study and appointed Mr. Arcot Krishnaswami of India as its Special Rapporteur.

1959 – The Sub-Commission and the Commission on Human Rights (HRC) expressed appreciation to the Special Rapporteur for the Study. The Sub-Commission prepared, on the basis of the Report, a series of draft principles. The HRC asked the Secretary-General to transmit to member States the draft principles and asked them to respond before October 31, 1960.

1960 – The Sub-Commission discussed the epidemic of swastika-painting occurring in 1959-60 and decided to study these events and their causes, an initiative later endorsed by ECOSOC and the 15th General Assembly (G.A.) in resolution 1510(XV).

1962 – The 17th G.A. in resolution 1781(XVII) requested ECOSOC to ask the Commission on Human Rights to prepare 1–a draft declaration on the elimination of all forms of religious intolerance and 2–a draft international convention on the same topic. In resolution 1780(XVII) it requested a declaration and convention on racial discrimination and gave these priority.

(1963 – The U.N. Declaration on the Elimination of all Forms of Racial Discrimination was proclaimed, with adoption in 1965 of the International Convention on the Elimination of all Forms of Racial Discrimination.)

(1966 – The International Covenant on Civil and Political Rights was adopted and Article 18 spells out in greater detail than the Universal Declaration the right of freedom of religion and the practice of religion.)

1963 – The 19th session of the Commission held a preliminary debate and asked its Sub-Commission to prepare a draft declaration.

1964 – The Sub-Commission meeting in January presented a preliminary draft declaration to the Commission which set up a Working Group to prepare a draft declaration. Owing to lack of time, the Working Group was unable to complete the draft and the Commission was likewise unable to do so for the same reason. The Commission decided to transmit its work to ECOSOC, including comments from member States. ECOSOC decided to refer all the materials to the G.A.

1965 – The 20th G.A. in resolution 2020(XX) requested ECOSOC to ask the Commission to complete the draft declaration and the convention for consideration by the 21st G.A.

1966 and on – The Commission did not give further consideration to completing the draft declaration.

Draft Convention

1964 – ECOSOC voted to prepare a draft convention and asked the Sub-Commission to prepare a draft.

1965 – The Sub-Commission prepared a preliminary draft convention. The Commission considered the draft and adopted a preamble and four articles of a draft convention.

1966 – The Commission resumed preparation of a draft convention and adopted five additional articles, but was unable to complete its work.

1967 – The Commission considered the draft further and asked ECOSOC to transmit its unfinished draft convention to the G.A. for completion and adoption. ECOSOC transmitted this material to the 22nd G.A. The latter devoted 29 meetings to this subject, adopting a preamble and Article I. It then voted in resolution 2295 (XXII) to give priority both to the draft declaration and the draft convention at its 23rd session.

1968 – The 23rd G.A. voted to postpone consideration of the item to its 24th session and give it "high priority."

1969 – The 24th G.A. voted to defer consideration of this item to its 25th session.

1970 – The 25th G.A. voted without objection to defer consideration of this item to its 26th session.

1971 – The 26th G.A. in resolution 2844(XXVI) considering that "there is not enough time for the consideration of all the items on the agenda of the Third Committee" and "bearing in mind the need for a full discussion of all the items," decided "to consider at its next session the item entitled . . . 'Elimination of all forms of religious intolerance.' "

Renewed Activity

1972 – The 27th G.A. spent considerable time in its Third Committee discussing the subject and adopted resolution 3027(XXVII) giving priority to completing the Declaration before resuming consideration of the Convention. The resolution also requested the Secretary-General to circulate several drafts to Member States, asking them to submit their observations to the Secretary-General who would submit these, and an analytical presentation, to the 28th General Assembly.

1973 – The 28th G.A. in its Third Committee devoted seven sessions to this item. It considered draft texts and adopted resolution 3069(XXVIII) asking that ECOSOC invite the 30th session of the Commission to elaborate a Declaration.

1974 – The 30th session of the Commission meeting at New York in Feb./March discussed this issue and appointed an informal working group, but adopted provisionally only 88 words–the title and one article of the preamble.

1974 – The 56th session of ECOSOC discussed the report of the Commission and recommended that the G.A. consider ways and means to expedite the completion of the Declaration.

1974 – The Third Committee of the 29th G.A. discussed the issue and adopted a resolution which put the item on the provisional agenda of the 30th session only if a single draft were completed by the Commission. In the plenary this was somewhat modified making it possible for the 30th session to consider the matter.

1975 – The 31st session of the Commission meeting at Geneva in February/March continued in a working group to elaborate a Declaration, this time adopting provisionally six additional paragraphs of the preamble, consisting of 238 words.

1975 – The 58th session of ECOSOC approved the decision of the Commission and recommended that it be asked to continue its work.

1976 – The 32nd session of the Commission adopted another 58 words of the preamble.

D. Membership in the Commission on Human Rights

African States	*Asian States*	*Eastern European States*	*Latin American States*	*Western European and Other States*
Egypt	Cyprus	Bulgaria	Costa Rica	Austria
Lesotho	India	Byelorussia	Cuba	Canada
Libya	Iran	U.S.S.R.	Ecuador	German Fed. Rep.
Nigeria*	Jordan	Yugoslavia	Panama	Italy
Rwanda	Pakistan		Peru	Sweden*
Senegal	Syria*		Uruguay	U.K.
Uganda*	Turkey			U.S.A.
Upper Volta				

*New member in 1976.

APPENDIX E (Excerpts)

THE HELSINKI DECLARATION: DECLARATION OF PRINCIPLES GUIDING RELATIONS BETWEEN PARTICIPATING STATES

VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief–

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience. . . .

New Factor Needed

The drafting of a declaration or covenant by the UN admittedly is not a simple exercise. It calls upon many disciplines: religion, theology, law, international relations, world politics—as well as common sense. If progress is to be made in 1977, another factor must be brought into the struggle—aroused world public opinion. Nations having positions on the UN Commission on Human Rights† should be the primary focus. Their parliaments and foreign offices should be asked to instruct their representatives on the Commission to do at least two things: (1) To take initiatives and give priority to negotiating a draft declaration during the current session; (2) to attend the meetings of the working group drafting the declaration (15 are scheduled). It may be unreasonable to insist that a declaration be sent to the thirty-third session for approval of member states; but members of the Commission should not be permitted to forget that their work began in the early 1960's. □

Composition of the 33rd Session of the Commission on Human Rights

†**African**
Egypt*
Lesotho**
Libya**
Nigeria***
Rwanda**
Senegal*
Uganda***
Upper Volta*

Asian
Cyprus***
India***
Iran*
Jordan**
Pakistan***
Syria***

Eastern Europe
Bulgaria**
Byelorussia*
U.S.S.R.***
Yugoslavia*

Latin American
Costa Rica*
Cuba**
Ecuador*
Panama***
Peru***
Uruguay**

Western Europe & Other
Austria***
Canada**
German Fed. Rep.*
Italy*
Sweden***
Turkey**
U.K.**
U.S.A.*

* Term expires Dec. 31, 1977.
** Term expires Dec. 31, 1978.
*** Term expires Dec. 31, 1979.

B. THE HUMAN RIGHTS COMMISSION AT GENEVA

By Homer A. Jack*

1. INTRODUCTION

The thirty-first session of the U.N. Commission on Human Rights was held for five weeks during February and early March of 1975. Many positive actions were taken. Many negative tendencies emerged. Among the latter was a draft resolution overwhelmingly adopted severely limiting non-governmental observers (NGOs) in giving oral or written communications citing individual states for violations. This resolution must be adopted by the Economic and Social Council (ECOSOC) before it becomes effective.

Several factors contributed to this action by the Commission. Perhaps the most important was the writing, by several NGOs, of articles revealing the names of States being considered confidentially by the Commission as violators of human rights. Another factor was the address given by myself as Secretary-General of the World Conference on Religion and Peace on violations of religious liberty by several States. However, the initiator of the resolution against NGOs, one debated in private only, insisted that I was not the cause of his resolution. Other members of the Commission felt otherwise. In any case, the address merits publication unabridged as do the immediate replies in the Commission by States. Also the NGO resolution is given in full.

2. THE ADDRESS

(This statement was delivered on February 11, 1975 to the 31st session of the Commission on Human Rights by Dr. Homer A. Jack, Secretary-General, World Conference on Religion and Peace, an international non-governmental organization in consultative status II with the Economic and Social Council.)

Once again the Commission on Human Rights convenes, the highest body in the world today devoted exclusively to promoting, in the words of Article 55 of the U.N. Charter, "universal respect for, and observance of, human rights and fundamental freedoms." Once again this Commission deals with the important agenda item on the "question of the violation of human rights." Once again world public opinion looks to the 32 members sitting around these tables to make studies and draft appropriate instruments, to discover ways of urging States to implement these standards, and to deal courageously with new situations which reveal "a consistent pattern of gross and reliably attested violations of human rights." Once again we hope that the new machinery will begin to work and the Commission will ask for further studies on consistent violations in appropriate States. Once again we would insist that prime efforts be made to eliminate violations of human rights in Southern Africa. The new report of the Ad Hoc Working Group is excellent and should be published in a popular version and taken to heart by the world community—and the white rulers of Southern Africa.

It is no secret that many observers of the work of this Commission in the non-governmental community are disappointed to the point of disillusionment at the continued lack of progress in elaborating instruments against religious intolerance. We are doubly disappointed when we see how the parallel effort against racial intolerance has long since culminated in a historic declaration and a useful convention. Whether or not these instruments are completed in the religious field, intolerance and discrimination based on religion and belief continue in this world, some of which may well reveal a pattern of gross violations. Progress in drafting these religious instruments has been so slow that the airing of specific cases surely could not make the process appreciably slower. Indeed, our inventory might serve the purpose of showing, as we did last year, that the denial of religious freedom and the practice of religious intolerance are not confined to any one country or any one continent. Many States, many continents, and indeed many religions are involved.

Last year I mentioned the treatment of the Muslims in the Southern Philippines by the Central Government. Since that time their conditions have not improved, although the fate of the Muslims cannot be completely separated from the repression of many peoples in the entire country. Catholic Archbishop Jaime Sin observed in November that the Philippines, nominally a Christian Country, "cannot jail a man indefinitely and still call ourselves Christian." He noted that "some have been confined for over two years without any chage being filed against them." A Church-Military Liaison Committee has been formed; yet the use of torture has been authenticated. Catholic clergymen in Mindanao have called for safeguards against maltreatment and abuse of prisoners, mainly Muslim insurgents.

Muslim groups throughout the world have expressed deep concern for this continuing situation, which has of course many of the same socio-political roots as the religious/political situation in Northern Ireland. In the Southern Philippines, many Muslims continue to fight to prevent what they charge as "genocide" against the 2.5 million Muslims by the Government, with its total population of 40 million. Jolo, the capital of the Sulu archipelago and major spiritual center of the Muslims there, was bombed in 1974 and hundreds of civilians, mostly Muslims, killed. What is ironic is that in 1906 there was a similar battle against the Muslims—then called Moros—and 600 were killed for resisting what was, at the time, U.S. rule. The dissident Muslims had then taken refuge with their families in a crater of an extinct volcano and all were slaughtered. Mark Twain sardonically called this incident "incomparably the greatest victory that was ever achieved by the Christian soldiers of the U.S." History repeats itself and the Muslims in the Philippines continue to be the object of political and religious discrimination, despite the demise of colonialism.

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From the Philippines, we turn to Pakistan, but also continue to deal with Muslims. The Ahmadiyyas are a sect of Muslims founded in the Punjab in 1889. Today there are an estimated seven million Ahmadiyyas in 50 countries, with several million living in Pakistan, and world headquarters at Rabwah. In 1953 several thousand Pakistani Ahmadiyyas were killed in religious riots. In 1974, since this Commission held its last session, similar riots reoccurred in Pakistan. Dozens of Ahmadiyyas were killed and thousands became refugees.

The National Assembly of Pakistan in September amended the Constitution of the Islamic Republic, after a still-secret inquiry, and declared that any person who does not believe in "the absolute and unqualified Finality of the Prophethood of Mohammad (peace be upon him) and the last of the Prophets or claims to be a Prophet . . . or recognizes such a claimant as a Prophet or a religious informer, is not a Muslim for the purposes of the Constitution or law."

The Ahmadiyyas are admittedly not orthodox Muslims; indeed, among their beliefs is one that Jesus Christ did not die on the cross but went to Kashmir where he died in old age. Their beliefs are their prerogative, but the violence and discrimination against the Ahmadiyyas in Pakistan are of world concern. The new Pakistani law reduces the Ahmadiyyas, living in a theocratic Islamic State, to a non-Muslim minority, with much economic discrimination, and the social pressures resulting therefrom. When Muslims discriminate against Muslims, this is also a concern of the world community, and the Ahmadiyyas outside Pakistan have so informed us.

In Syria, the 4,000 Jews there—once a community of 40,000—are discriminated against in many ways. They are forbidden to travel more than 2.5 miles from their homes. They cannot even obtain driver's licenses. They cannot observe certain religious rites without police permission and surveillance. When a Jew dies, his family must move out of their home. Jews are forbidden to leave the country. Today Jews in Syria are religious hostages in a land they have inhabited for several thousand years.

Turning to Cyprus, we find the ravages of war affecting also organized religion. (Indeed, the passions, at least in part religious, unleashed in both the Philippines and Cyprus accounted perhaps for the only uses of napalm during 1974!) In Cyprus, there are authenticated accounts of the desecration of churches and the ill-treatment of priests. These are the fruits of modern war, and may not be primarily the result of religious prejudice, but these outrages are viewed by the majority population as religious intolerance.

In Egypt, members of the relatively ancient Coptic Church are exposed to systematic religious suppression and discrimination. They are a relatively large minority, consisting of ten to 20 per cent of the population, or between 3.5 and six million persons, larger than several States represented on this Commission. An 1856 law dating from the Ottoman Empire makes it very difficult either to build a new church building or to repair an old one. Also Christians are informally denied equal opportunity to higher education, postgraduate studies, and employment in government and private business. Paraslavery is practiced in some villages in Upper Egypt where poor Christians seek protection from powerful Muslim families and work for them without pay.

These Egyptian Christians fear that they will be treated today as the Armenians were treated in another part of the Middle East yesterday. These Coptics quote an Egyptian leader who, within the decade, distributed weapons and allegedly said, "Today is Saturday and tomorrow is Sunday"—meaning that today we will get rid of the Israeli Jews and tomorrow the local Christians. The present fear of the Coptic Christians is so great that they have not contacted us; upon hearing their plight, we have contacted their overseas brethren to receive this information which we will be glad to make available to this Commission.

There is one type of religious intolerance that is prevalent in the Third World. It is directed primarily against Christianity as a foreign and Western if not white religion. There is no doubt that many Christian missionaries in the past have spread their faith with the Holy Bible in one hand and the colonial sword in the other. In the post-colonial era, vestiges of colonial Christianity remain. However, some clergymen have been among the leading spokesmen against colonialism and racism in Southern Africa. The Vatican and the World Council of Churches, while they can aptly speak for themselves, have approved and encouraged the use of some indigenous religious practices in what is surely a universal and not a Western church. Thus current attempts in Africa and elsewhere forceably to purge Christian laypersons and clergy of certain Western aspects of Christianity certainly fall within religious intolerance. Specific examples I prefer not to cite at this time.

Reports have reached us of repression of religion in Czechoslovakia. Clergymen, for example, continue to need authorization to perform pastoral duties. One-fifth of the priests have been refused such permission. Those who try to expand the parameters of acceptable pastoral activity are prohibited from performing priestly functions. Few young men are allowed to train for the priesthood. Women of religious orders are forced to live, not in homes of their own, but in so-called "convents of concentration," which recall the camps of concentration. Indeed, believers who try to practice their religion are increasingly excluded from many occupations, including government, army, police, teaching, and the mass media. Believers cannot refute the Governmental attacks on religion. For nearly nine million Catholics who constitute 70 per cent of the population of Slovakia, there is only one weekly newspaper. The latter is under the direct control of the Minister of Culture and the editors are not allowed to answer doctrinal attacks made on the church in the secular press.

In the Soviet Union there is a small Christian sect called the Pentacostalists. They attribute special significance to the commandment, "Thou shalt not kill." A small group in the town of Nakhodka has appealed to Christians throughout the world to help them, since they are not allowed to hold peaceful assemblies for prayer and have been

fined and threatened with imprisonment. They write that in the town of Chernogorsk alone about 30 members have been convicted for their religious beliefs and sentenced to three to ten years. Today some of the Pentacostalists want to emigrate from the Soviet Union. These Christians have poignantly asked help to apply to Israel "or any other country not denying the existence of God and permitting its citizens to live by their religious convictions in accordance with the New Testament."

Unlike many other religious and ethnic minorities in the Soviet Union, Jews are prevented from maintaining their spiritual and cultural identity. In violation of Soviet law, the State deprives Jews of their religious, linguistic, and cultural rights. Discrimination against Jews in education and employment continues. An anti-Jewish campaign in the mass media, under the camouflage of anti-Zionism, continues to use Nazi-like stereotypes. While thousands of Jews have exerted their right to leave the Soviet Union in recent years, the serious impediments still put in the way of many Jews flaunt the human right of persons to leave the country of their birth.

Also in the Soviet Union today there are 100,000 or more members of the so-called Initiators who have split off from the All-Union Council of Evangelical Christian Baptists, the largest Protestant group. For organizing a mass demonstration in Moscow, not unlike those of his fellow Baptist, Martin Luther King, Jr., in the U.S.A. a decade earlier, Pastor Georgi Vins was sentenced to three years in labor camps. After release from prison, Vins became a full-time pastor in Kiev, but was ordered to do a year of compulsory factory labor. Just this month he was sentenced to five years in prison and another five in exile for damaging the interests of Soviet citizens under the pretext of religious activity. Three Norwegian parliamentarians were denied visas to observe his trial. Pastor Vins rejected a court-appointed lawyer on the ground that an atheist was not competent to handle a case involving religious matters. I cite the case of Pastor Vins, for at least 700 of his fellow Protestants have been jailed in recent years and Baptists have comprised more than one-third of the known Soviet political prisoners in the past two decades.

Finally, there is a category of religious repression which is hard to separate from political repression. It is summarized by President Mobutu Sese Seko of Zaire who the day before this Commission opened the present session threatened to close down all Catholic churches in his country if Catholic priests kept interfering with Zaire politics. "They should keep teaching Christ," the President said, implying that they should avoid politics. This type of political-cum-religious intolerance is not confined to Africa. There is imprisonment of dozens of Christian leaders today in the Republic of Korea. Hundreds of Buddhist monks in the Republic of Vietnam are imprisoned, some in prisons built and paid for still by the U.S.A. Many Christian clergy are detained in the Philippines. There was successful pressure to silence a Greek Orthodox priest in Moscow. Since non-religious persons are also imprisoned, or their rights otherwise curtailed, in these countries, and in many others, these examples constitute violations which should be investigated to ascertain if in fact they constitute a pattern. Prophetic religion–Buddhism, Christianity, Hinduism, Islam, Judaism, and their branches–has always been independent of the State and some of its leaders have been willing if seldom eager to pay the price that independent criticism entails. Surely this Commission should help reduce this price still paid by clergy and laypersons alike in demanding political freedom in the modern world.

Note: The above statement was slightly condensed for delivery. Immediately after its delivery, five members of the Commission exerted their right of reply: Egypt, Pakistan, Soviet Union, Turkey, and Zaire. Also two observer States did so: Philippines and Syria.

3. REPLIES OF STATES

(Paraphrased responses made at the 1300th and 1301st meetings of the Commission.)

Turkey (Nuri Yildirum). There are different pathways to God. We regret that the representative of the World Conference on Religion and Peace did not try to be objective. He showed a very important bias. While he discussed the situation of the churches in Cyprus, he did not mention the desecration of the mosques in Cyprus. There is a list of such mosques. According to the Muslim religion, every temple of God is sacred; indeed, Muslims can pray in a church. Thus Muslims would not desecrate churches. And yet some mosques were used for urination, which Muslims would never do in a church.

Egypt (Ambassador Hussein Khallaf). The speaker has unjustly attacked my country with others. His organization is called the World Conference on Religion and Peace. I deeply regret that, from his statement, we cannot conclude that that organization is working for peace. They do not understand what peace means. He can come to Egypt and see social peace among Christians and Muslims, even among Jews. The latter were forced (by Israel) to emigrate to Israel. A minority in Egypt exists only when a group of individuals is distinguished by some means. There are neither Christians nor Muslims, only Egyptians who are equal among themselves. Religion is left to God, but in Egypt on earth all are Egyptians. The Christians are not a minority but one hundred per cent Egyptians. There are some Coptics who are ministers in the Government and even members of the Egyptian delegation to the present Diplomatic Conference on International Humanitarian Law. Others are distinguished professors. I come from Upper Egypt where Muslims live side by side with Christians and where people go to church or mosque. Religion belongs to the good Lord and not to the speaker who says he is for religion and peace but avoided discussing all the violations taking place in Israel. What about the sufferings of the population of the Occupied Territories? The speaker has two criteria or a double standard for justice: one for Israelis and another for the rest of the world. This intervention is an unfortunate example which does not do honor to NGOs. It is not an encouraging example to hear such allegations.

He offers no shred of evidence. He distributed his accusations left and right without discrimination and without evidence. We should not have to spend our time listening to allegations which are tendentious and groundless.

U.S.S.R. (Ambassador Valerian Zorin). I regret that I am required to waste the time of this distinguished Commission to refute the words of a representative of a NGO who is so bold as to use the meeting of the Commission to make slanderous, deceitful attacks on a number of countries, including my own. The inept and gross insinuations are taken from unclean sources. Such statements hamper the work of our Commission and divert it from carrying out the tasks before it. Given the statements of the speaker, it is obvious that he takes Zionism under his protection. He shows a national and racial bias, since the daily struggle in the U.N. is against Zionism. He has demonstrated the goals and circles he serves. If he were genuinely concerned with gross violations in certain regions, he would find words for condemning such violations as in the Occupied Territories. As justly pointed out by Egypt, he failed to do so. It is not his genuine purpose. If so, how low must be the worth of his statements? I do not wish to respond to such low quality of statements.

Zaire (Bula Kabangi Kaumbu). The statement that President Mobutu threatened to close down the churches comes to me as a surprise. The speaker is either ill-informed or not objective. We are a secular state where there are all religious freedoms. Apart from Catholicism, there are other religions. To date the Governmental authorities have had no difficulties with the Catholic or Protestant churches. It is only the behaviour of some members of the Catholic Church which give rise to some problems. The Catholic Church had exceptional privileges under colonialism to serve the instruments of colonialism and is still serving foreign interests. After independence, in order that the individual could enjoy sovereignty to the full, some of the activity of the church ran counter to the interests of the State. The Government could not tolerate any religion which followed a political line in variance with the interests of the State and took advantage of religious freedom to disseminate subversive propaganda. Some representatives of the Catholic Church distribute leaflets against the government and it is normal to invite priests to confine themselves to preaching and to refrain from political utterances. There is freedom of religion and to practice religion. There are no privileges based on religion and Catholic priests cannot dominate others. Protestants and all are now free to practice the religion of their choice.

Pakistan (Mohammed Yunas). Unfortunately I must also speak on the statement made here by a NGO. The speakers before me demonstrated the worthlessness and insincerity of the calumnious statements. The exclusion of Israel suggests the real aim and thus the purpose is neither religion nor peace. I hope these noble concepts can be saved from alumnies. What does there remain for me to say? To put the record straight in the absence of facts, and only for this reason, let me respond. The speaker stated that the Pakistan Government is involved in some kind of religious repression. The contrary is true. The Government moved swiftly and effectively to put down unfortunate civilian disturbances which, for some obscure reason, had been selected for mention. That the government was successful in countering the explosion is illustrated by the NGO statement itself: in 1953 there were thousands of deaths, but in 1974 dozens. What do these figures indicate? What lies behind these figures? The unfortunate incident itself is still being investigated to find the basis for it, with a judge of the High Court in charge of the tribunal. The amendment to our Constitution imposes no disability. The right of minorities is specifically protected and in our Constitution human rights are enshrined. The Ahmadiyya community would enjoy the same rights and freedoms as all other minorities living peacefully in Pakistan. The speaker described Pakistan as a theocratic State. (We share the estimate of the Soviet Union about the quality of this NGO statement.) The aim of the amendment to our Constitution is to encourage tolerance and to lead the community to a life of tolerance. In Rabwah just two months ago the annual conference of the Ahmadiyya community was held and there were no incidents or disturbances. The statement is, to say the least, tendentious. I have talked to put the record straight. Religious relations are one of the most sensitive issues and are in the domestic jurisdiction of States. I speak here to clear the air against the calumny against our country. What are the real motives behind this seemingly innocent concern?

The Philippines (Miss Delia Domingo). The problem is more complex than on the surface and is not unique to the Philippines. It is essentially a clash between two communities with different cultural traditions, historical memories, and rival economic interests. The word, genocide, as used by one speaker, is totally inapplicable. We are trying to deal with this matter in a legal and humanitarian way. This brings everybody into our community and precludes anything resembling genocide. The Government has dedicated itself to upholding the law and acted only within the limits of the law.

Syrian Arabic Republic (Miss Mawia Sheikh Fadli). Scores of Western journalists and writers have visited the Jewish minority in Syria who live on a higher standard than do the Arabs in occupied Palestine and very much better than those of Eastern Jews in Israel. Syrians of Jewish faith enjoy full rights of citizenship and take part in all the country's activities. The statement is ridiculous that Jews cannot move more than 2.5 miles from their domicile. Jewish students in the Damascus area go to the University while living in their suburban homes four or more kilometers from it. There are 12 Jewish students out of every 1,000 university students. This proportion is one to 375 and that is greater than one to 4,900—for other groups in the country. As for telephones, this allegation is wrong: the telephone book lists doctors who are Jewish and many Jewish people are active in industry, commerce, and law. These allegations come from a regime (Israel) run by Eastern European Jews.

4. THE U.N. PRESS RELEASES ON THE STATEMENT

A U.N. press release (No. HR/241) summarized the debate as follows: "After the Commission had heard statements on agenda Item 6 by H. Jacoby (Amnesty International) and H. A. Jack (World Conference of Religion for Peace), Nuri Yildirum (Turkey), Hussein Khallaf (Egypt), Valerian Zorin (USSR), Bula Kabangi Kaumbu (Zaire), and Mohammed Yunas (Pakistan) took the floor on the right of reply, contending that the allegations contained in Mr. Jack's statement were in the main unfounded, biased and even slanderous." Also this press release contained two paragraphs of remarks from two non-member States which intervened: the Philippines and the Syrian Arab Republic.

Dr. Jack made a protest to the U.N. Office of Public Information for distributing allegations about what he said and not including even an indication of the subject-matter of his speech. The Office of Public Information indicated that, in Geneva, they never quote NGOs in press releases, but that they would issue an addition since they did quote allegations of Member States. The following day the OPI issued a press release (HR/241/Add.1) which read as follows: "Violation of Human Rights. Addendum. The following sentence should be added at the end of the fourth full paragraph on page 3; i.e., after the words 'and even slanderous:' 'Mr. Jack had given examples of alleged violations of human rights and religious intolerance affecting Buddhists, Christians, Muslims and Jews in various parts of the world.' "

5. SECOND COMMENT OF THE GOVERNMENT OF EGYPT

Mrs. Mervate Tallawy of Egypt at the 1307th meeting on February 14th declared that the statement of the NGO some days earlier forced her delegation to put on the record the following statement which should be reflected in the Commission report: We are extremely concerned about the abuse of freedom of speech practiced by some representatives of non-governmental organizations. This particular statement recently delivered by the World Conference on Religion and Peace should not appear in the summary records of this Commission. Indeed, its status should be restudied by the Economic and Social Council. During the past two sessions this organization has made such statements. Their status should be reconsidered in accordance with ECOSOC Resolution 1296 (XLIV). (This relates to "arrangements for consultation with non-governmental organizations.") The persistence of such an attitude would affect the entire future relationship between Member States and non-governmental organizations. NGOs can find other machinery to submit their findings of violations of human rights. Such an abuse of the privilege of participating in the Commission's deliberations should be the subject of careful scrutiny by all members of the Division of Human Rights which is equally responsible for the future of the Commission's work.

6. THE DRAFT RESOLUTION

II. Study of situations which reveal a consistent pattern of gross violations of human rights: written and oral statements by non-governmental organizations in consultative status concerning human rights

The Economic and Social Council,

Considering that in its resolution 454 (XIV) it decided that all complaints or allegations emanating from non-governmental organizations in consultative status which relate to human rights should be dealt with not under the rules of consultative relationship but under the decisions for inclusion of such material in confidential lists of communications prepared for the Commission, which is set out in paragraph 2 (b) of resolution 728 F (XXVIII),

Considering further that it has clearly laid down its decision in paragraph 8 of resolution 1503 (XLVIII) that all actions envisaged in the implementation of that resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Council,

Having been made aware by the Commission on Human Rights that some non-governmental organizations have occasionally failed to observe the requirements of confidentiality under paragraph 8 of resolution 1503 (XLVIII), and having been made aware further that the oral interventions of some non-governmental organizations on matters affecting Member States have often shown disregard for proper discretion,

1. *Decides* that in future non-governmental organizations in consultative status must comply without exception with Council resolution 454 (XIV) as regards submissions both in written and oral form in so far as they relate to allegations or complaints on human rights, and also observe strictly the provisions of paragraph 8 of Council resolution 1503 (XLVIII);

2. *Decides* that any non-governmental organization failing to show proper discretion in an oral or written statement may render itself subject to suspension of its consultative status under paragraph 36 of Council resolution 1296 (XLIV);

3. *Reminds* the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the conditions of admissibility of communications approved in its resolution 1 (XXIV) and requests it to apply these criteria strictly;

4. *Decides* that the Committee on Non-Governmental Organizations should continue to examine carefully the activities of the non-governmental organizations, bearing in mind the provisions of the present resolution.

7. CONCLUDING POSTSCRIPT BY H.A.J.

Two of the several responses to my address concern me. One is that I did not mention any desecration of mosques in Cypress. I heard of none, but I did say that the religious intolerance there is the result of "the fruits of war." I did not have available the several reports of Dr. John B. Taylor who visited Cyprus in behalf of the World Council of Churches. In the report of his second visit, which ended on February ninth (two days before making my intervention), he did write of some complaints by both Christians and Muslims. The concluding two sentences of his report bear repetition: "While political solutions seem as elusive as ever and while dangers of more outbreaks of violence cannot be lightly dismissed, it seems more than ever necessary to avoid further dimensions of distrust and violence by imagining or perpetuating acts of desecration. The readiness of a wide range of people on both sides to respect the symbols of each other's rich religious and cultural heritage could be a hopeful sign of returning to trust and cooperation in other spheres."

The second response of concern was that I purposely failed to mention religious intolerance and discrimination in Israel and the Occupied Territories. In addition to the fact that Israel constituted a separate item on the agenda of the Commission, I did not mention Israel in my intervention on major examples of religious intolerance in the world today because I had and still have no evidence that Israel or the Occupied Territories should be on any such list. There is, of course, some religious intolerance in all countries, among all human beings, but I could only select what to me were some of the more flagrant examples.

From what I know about Israel and the Occupied Territories—and I visited both very briefly again early in March 1975—all religious groups represented there have freedom and autonomy in fact and in law and all can practice their respective rites without impediment. For example, Muslims can build and maintain mosques, worship, and educate their children in their religious traditions. Israel will allow Muslims living in Israel or the Occupied Territories to go on pilgrimage, although the Arab States will receive for pilgrimage only those Muslims living in the Occupied Territories.

The real religious problem within Israel relates to the Jewish majority and the definition of a Jew. Under a 1953 statute, all matters relating to marriage and divorce regarding Jewish nationals and residents of the State are subject to the jurisdiction of rabbinical courts. Reform Jews do not have the same rights as Orthodox Jews. These are complex questions which have their parallel in many theocratic States where there is no clear separation of organized religion and the State. However, there are at least two ways in which the treatment of Reform Jews in Israel differs from that of the Ahmadiyyas in Pakistan. To my knowledge, no Reform Jews in Israel, or outside, have asked the world community to air their legal complaint. Also no Reform Jews have been hurt or killed in Israel because of any such conflict between religion and state.

For these reasons, I did not mention Israel and the Occupied Territories in my intervention before the Commission. I do not want to exempt any State from legitimate criticism in these matters. On the other hand, I refuse to make a continued scapegoat of Israel just to seek immunity from unfair attacks by some States for not striking what they call a political balance.

. . . true individual freedom cannot exist without economic security and independence.

In our day these economic truths have become accepted as self-evident.

We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all, regardless of station, race, or creed.

Franklin D. Roosevelt, 1944

IX. Education for Human Rights

A. EDUCATION FOR HUMAN RIGHTS

Marnie Clark

The Universal Declaration of Human Rights asserts the dignity and worth of all human persons and lists rights to which all are entitled. One of these is the right to education, and the Declaration says further that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms." (Article 26)

All small groups develop some sort of code of rights for their members. The problem is to teach people to want outsiders - even enemies - to have the same rights. This is why the UNESCO Recommendations concern both education for international understanding and education for human rights: if human rights values are to be extended beyond one's own particular in-group, there must be an identification with and caring about all human beings.

The UNESCO Recommendations (reprinted below) define education as "the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes, and knowledge." Education is thus seen as far more than what happens in school. All social interactions (in families, informal groups, and larger organizations) as well as all exposures to other people's actions and values contribute to the education of individuals and groups because they all help determine what capacities, attitudes, aptitudes, and knowledge people develop.

In planned societies, this is well understood, and all exposures and interactions that are under state control are coordinated to contribute toward the state's goals for the kind of citizens it wants to produce. In the United States, this is not the case. Most of the social influences on the child are not under central control and thus have no unified direction. Many are not planned at all, and many of those that <u>are</u> planned, such as advertising and most TV offerings, are planned for purposes other than "the development of the whole of the receiver's personal capacities." Even our schools and colleges educate for many different and often inconsistent purposes.

Clearly there are both advantages and disadvantages in this decentralized and uncoordinated approach to education. But it is a fact of central importance in any consideration of how to try to educate for human rights in this country. Whatever ideas you present, you can be pretty sure that your students will be meeting contrary ideas and values elsewhere, and when they get beyond your reach, they will follow the values they choose. The person who chooses to follow human rights values does so because s/he has come to believe that they are preferable on the basis of his or her own experience. This means that education for human rights must consist of experiences from which children and young people can draw these conclusions for themselves.

So especially at the primary level, but to an important extent at other levels too, human rights education will not be primarily knowledge-centered or verbal but primarily experience-centered and active. Teachers cannot provide experiences for children, but they can provide activities and situations in which certain feelings are likely to be aroused and cer-

tain perceptions are likely to take place. Then a teacher can help children to organize and generalize and act on what they have experienced.

To value means to see as worth while. Values are evaluations of worth, judgments about what is good and what is bad. There are five somewhat overlapping ways in which children can learn to value universal human rights. Some you can build consciously into a curriculum; some you will teach by the kind of person you are, the kind of example you set and the kinds of social interactions you enter into with your students.

1. Association with good feelings. The simplest and earliest learning of values takes place when a child experiences pain or pleasure, frustration or satisfaction, in connection with a particular person or object or activity. S/he quickly learns to seek those situations in which s/he expects good feelings and avoid those in which pain can be expected. Such learning continues throughout life, but it is not so automatic or so uncritical later on as it is for a little child.

A child's identification with other members of the human family occurs largely through this kind of learning. Contacts with outsiders or people from other cultures should be so arranged as to lead to positive rather than negative emotions. Other people's differences should be experienced as interesting rather than threatening or foolish; their similarities to the child's own people must be seen if the child is to be able to understand their needs and problems and empathize with their joys and sorrows.

Stories and pictures about people from other lands should be personalized, stressing universal feelings, needs, problems, and joys. Cultural traits should be understood as simply different ways that groups of people have learned to make sense out of their situation and deal with it. A teacher can also foster positive feelings toward outsiders by cooperative games in a heterogeneous group, finding pen pals or school-to-school contacts with another culture, arranging for a declaration of world citizenship (as individuals or as a school), and every day by encouragement and praise for friendliness and consideration of others.

2. Copying the behavior and values of others. Children learn more from what we do than from what we say. Adult behavior shows children possible ways of thinking and acting that they may not have thought of before; if they see the behavior rewarded or if the adult is someone they love - or want to please - they are especially likely to try out similar behaviors themselves, together with the accompanying attitudes and beliefs. So a teacher who demonstrates respect for all the members of the class - even the unlovable ones - provides a powerful lesson in human rights values. Seeing someone else show empathy and concern for outsiders and for people whose ways are different helps children broaden their own identification beyond their limited group. A teacher - or character in a story or film - who values and enjoys diversity helps teach children that differences are good.

One of the results of belonging to a group over a period of time is that the members tend to become more alike in their values and behavior. Every group develops its own values and norms, and to the extent that members identify with the group and want to be accepted in it, they tend to accept the prevailing norms and pattern their own behavior accordingly. Group pressures, especially by one's peers, are potent at any age. The teacher skillful enough to build a class climate in which these pressures

are in the direction of mutual respect and cooperation has a powerful ally. Middle-graders can role-play ways of making an outsider feel at home; in so doing, they practice new behaviors, broaden their own attitudes, and provide models for each other.

3. Personal experience in (a) being treated as a person of worth and (b) treating others as persons of worth. Children need to feel how nice it is to be treated with respect and regarded as precious; equally important, they need to experience the good feelings that come from helping and respecting others. The child who has never been accepted and treated with respect will not know what you are talking about, and the child who has learned only how to make demands on others will see no reason for caring about other people's feelings or rights.

It is unfortunate that the declarations of human rights are stated so largely in terms of what individuals are entitled to receive. Rights can be received only if someone gives them, and governments cannot do it all. They can help prevent individuals and groups from hurting each other, but cannot make them like and respect each other or affirm each others' worth. Full implementation of human rights is possible only where there is mutual respect in all social interaction - which can come only if individuals choose to give it.

A classroom that embodies human rights principles in its whole climate and everyday functioning gives direct education in human rights - not just education about human rights but practice in living them. In such a classroom children have many chances to take turns, share, help someone else achieve his or her objectives, and safeguard others' rights - and to find such activities rewarding and personally enriching. They have experienced being depended upon and successfully fulfilling other people's expectations. This is what interdependence means and how children learn to understand it and to value (choose, prefer) to do their part. Only in such a context will exposure to the concepts of universal human rights and to the problems of ensuring them for everyone have real meaning and raise genuine concern.

4. Experience in choosing between values, resolving conflicts constructively, and dealing with challenges to human rights principles. It is easy to respect and cooperate with someone who respects you and generally agrees with you. But even friends sometimes have disagreements and conflicts, and where there is mistrust or competition, conflicts can be expected. What then? Even children who are used to working cooperatively in their own group will not automatically carry the same values into situations of conflict with people they dislike or with outsiders, especially where they are afraid or feel threatened. It takes practice to be able to extend respect even to someone who seems not to deserve it or to be able to refrain from responding to violence or unfairness in retaliation and anger. It takes special learning to be able to transcend unfairness and offensive behavior and try to understand what needs both sides are trying to meet - to look for solutions that are fair to everyone. This is probably the hardest lesson, the one most often unlearned. Insisting on the same rights for "enemies" that we want for ourselves does not come easily.

Repeated practice in looking at conflicts in the school and community and nation in this spirit prepares children to approach international conflicts in the same way. Analyzing case studies and role-playing conflict situations or playing simulation games can bring home the difficulty of

being objective when you are a party in a dispute - and the need for mediation, arbitration, and other mechanisms set up in advance for dealing fairly with conflicts. Practice in helping set up such mechanisms can help create an appreciation of rules as potential protectors of everyone's rights. It is a trap to lead children to expect that good will and a cooperative approach will automatically solve all problems.

5. Formulating concepts and principles and transmitting them to others. Here is where the words, the factual background, and the intellectual activity fit in. Children need to learn about past and present struggles for human rights, about the Universal Declaration, the two Covenants, the Conventions, and the problems of getting from goals to realities. This, however, must be done against a background of the first four kinds of experience already discussed. Without such a background, children may learn to say the words, but they will not learn the attitudes and behavior you are trying to teach.

It is a well-known fact that there is no better way of learning something than to try to teach it to someone else. The learner-turned-teacher is forced to clarify and organize his or her own thinking and make it explicit - and has high built-in motivation to do it well. This is in part the value of debates, student panels, and other forms of student presentation. Members of UNESCO are supposed to report each year on the status of human rights within their borders. A high school class that prepared a report for UNESCO on human rights problems and progress in its own community during the preceding year might learn more thereby than through anything else their teacher tried to do.

We can help children become more skillful at analyzing and drawing generalizations, but we cannot predetermine what their conclusions will be. Our function as teachers of the young is to be encouragers and enablers, to provide exposure to ideas and arrange opportunities for discovery and responsible choice, to demonstrate our own values in our everyday behavior, and to help them build the confidence they will need to live by the best values they can see.

All five of the kinds of learning indicated here can take place at any level, though the proportion of emphasis and level of sophistication will vary. Young children are ready for choices guided by results but not for choices guided by abstract principles. Children of seven or eight have strong feelings about fairness but little grasp of someone else's perspective. On the other hand, very young children can empathize with the joys and sorrows of others, understand that all children have the same needs they do, and develop positive feelings about outsiders.

Thus the basic identification with all other human beings that must underlie universal human rights can start very early. But a full understanding of the philosophy of universal human rights and of what efforts have been made so far will come slowly over many years. Not until high school or above are most students ready to analyze and compare the documents, evaluate the possible mechanisms for implementation, and understand why the United States has been slower to ratify the Genocide Convention than have many repressive regimes.

(Resources for teaching about human rights are listed in the bibliography.)

B. TEACHING ABOUT HUMAN RIGHTS THROUGH CELEBRATION
HUMAN RIGHTS DAY - DECEMBER 10th
by Helen Garvey

On December 10th, the United Nations General Assembly adopted the Universal Declaration of Human Rights as a goal for all peoples and nations. The Declaration was born out of the disaster of World War II when the world recognized the need to affirm the basic value of human life and to come to a consensus on building a world where people would be free to live more humanly. John C. Bennett reminds us that we have two kinds of human rights. Both are included in the Declaration. "...those of the Bill of Rights - individual human rights - and those like the right to a job and to social security - which are often called collective human rights." He cautions, "Collective human rights, important as they are, are never a substitute for individual human rights." ("Retrospect and Prospect", Christianity & Crisis, 12/76)

The Universal Declaration of Human Rights was a first step to developing a world community out of which, it was hoped, would come some criteria to judge practices and customs. This event is a cause for celebration.

There are many difficulties involved in setting human rights priorities and designing governmental policies that respect the rights of individuals and provide for the welfare of all. Some of these difficulties arise out of problems of political and economic instabilities, others because of cultural and religious practices, some because the rights of one party conflicts with the rights of others, and still others because favored elites seek to maintain power positions.

Perhaps the problems of human rights are no more visible today than in the Third World where developing countries are experiencing radical social change. Denis Goulet in A New Moral Order speaks of Louis-Joseph Lebret, a "pioneer in development ethics", who identified three categories of human need - and hence of human rights.

1. essential subsistence needs (food, clothing, housing, health care, etc.);

2. needs related to comfort and the facilities which render life easier (transportation, leisure, labor-saving devices, pleasant surroundings, etc.);

3. needs related to human fulfillment or transcendence whose satisfaction confers heightened value on human lives (cultural improvement, deeper spiritual life, enriching friendships, loving relationships, rewarding social intercourse, etc.).

The policy implication which flow from these, he says, are obvious:

1. There must be a priority on assuring all persons sufficient goods of the first category.

2. Sufficiency at the first level must not be pursued to the detriment of goods related to human fulfillment (third category).

3. The second category of goods, ranging from goods which are relatively useful to those which are luxuriously wasteful should be subordinated to the others.

It is not uncommon that those seeking to "raise the standard of living" of the poor, whether this be individuals or peoples or nations, put such emphasis on basic goods such as food, health, clothing, shelter, etc. that those rights that are distinctively human - culture, spiritual development, family, choice, freedom - can be lost in the shuffle. Lebret's dictum - sufficiency at the first level must not be pursued to the detriment of goods related to human fulfillment (third category) - is good to keep in mind when teaching about development and human rights.

Some Teaching Suggestions

1. Prepare for this day by reviewing the Bill of Rights and the Universal Declaration of Human Rights.

2. Prepare a special celebration that focuses on the value of the individual human person and the human family.

3. Have classroom discussions on collective human rights and individual human rights.

4. Survey the student body for their understandings of the content of the Bill of Rights and the Universal Declaration of Human Rights.

5. Have a kick-off meeting of the Human Rights Committee that will monitor the actions of the U. S. and of the U. N. in this field.

6. Research the life of Eleanor Roosevelt, Chairwoman of the U. N. Committee that drafted the Declaration of Human Rights. (She has written her own account in her autobriography.)

7. Older students may want to prepare reports on the progress of human rights in the U. N. or in particular parts of the world.

C. Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, UNESCO

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 17 October to 23 November 1974, at its eighteenth session,

Mindful of the responsibility incumbent on States to achieve through education the aims set forth in the Charter of the United Nations, the Constitution of Unesco, the Universal Declaration of Human Rights and the Geneva Conventions for the Protection of Victims of War of 12 August 1949, in order to promote international understanding, co-operation and peace and respect for human rights and fundamental freedoms,

Reaffirming the responsibility which is incumbent on Unesco to encourage and support in Member States any activity designed to ensure the education of all for the advancement of justice, freedom, human rights and peace,

Noting nevertheless that the activity of Unesco and of its Member States sometimes has an impact only on a small minority of the steadily growing numbers of schoolchildren, students, young people and adults continuing their education, and educators, and that the curricula and methods of international education are not always attuned to the needs and aspirations of the participating young people and adults,

Noting moreover that in a number of cases there is still a wide disparity between proclaimed ideals, declared intentions and the actual situation,

Having decided, at its seventeenth session, that this education should be the subject of a recommendation to Member States,

Adopts this nineteenth day of November 1974, the present recommendation.

The General Conference recommends that Member States should apply the following provisions by taking whatever legislative or other steps may be required in conformity with the constitutional practice of each State to give effect within their respective territories to the principles set forth in this recommendation.

The General Conference recommends that Member States bring this recommendation to the attention of the authorities, departments or bodies responsible for school education, higher education and out-of-school education, of the various organizations carrying out educational work among young people and adults such as student and youth movements, associations of pupils' parents, teachers' unions and other interested parties.

The General Conference recommends that Member States submit to it, by dates and in the form to be decided upon by the Conference, reports concerning the action taken by them in pursuance of this recommendation.

I. Significance of terms

1. For the purposes of this recommendation:
   (a) The word 'education' implies the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge. This process is not limited to any specific activities.
   (b) The terms 'international understanding', 'co-operation' and 'peace' are to be considered as an indivisible whole based on the principle of friendly relations between peoples and States having different social and political systems and on the respect for human rights and fundamental freedoms. In the text of this recommendation, the different connotations of these terms are sometimes gathered together in a concise expression, 'international education'.
   (c) 'Human rights' and 'fundamental freedoms' are those defined in the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights.

II. Scope

2. This recommendation applies to all stages and forms of education.

III. Guiding principles

3. Education should be infused with the aims and purposes set forth in the Charter of the United Nations, the Constitution of Unesco and the Universal Declaration of Human Rights, particularly Article 26, paragraph 2, of the last-named, which states: 'Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.'
4. In order to enable every person to contribute actively to the fulfilment of the aims referred to in paragraph 3, and promote international solidarity and co-operation, which are necessary in solving the world problems affecting the individuals' and communities' life and exercise of fundamental rights and freedoms, the following objectives should be regarded as major guiding principles of educational policy:
   (a) an international dimension and a global perspective in education at all levels and in all its forms;
   (b) understanding and respect for all peoples, their cultures, civilizations, values and ways of life, including domestic ethnic cultures and cultures of other nations;
   (c) awareness of the increasing global interdependence between peoples and nations;
   (d) abilities to communicate with others;
   (e) awareness not only of the rights but also of the duties incumbent upon individuals, social groups and nations towards each other;
   (f) understanding of the necessity for international solidarity and co-operation;
   (g) readiness on the part of the individual to participate in solving the problems of his community, his country and the world at large.
5. Combining learning, training, information and action, international education should further the appropriate intellectual and emotional development of the individual. It should develop a sense of social responsibility and of solidarity with less privileged groups and should lead to observance of the principles of equality in everyday conduct. It should also help to develop qualities, aptitudes and abilities which enable the individual to acquire a critical understanding of problems at the national and the international level; to understand and explain facts, opinions and ideas; to work in a group; to accept and participate in free discussions; to observe the elementary rules of procedure applicable to any discussion; and to base value-judgements and decisions on a rational analysis of relevant facts and factors.
6. Education should stress the inadmissibility of recourse to war for purposes of expansion, aggression and domination, or to the use of force and violence for purposes of repression, and should bring every person to understand and assume his or her responsibilities for the maintenance of peace. It should contribute to international understanding and strengthening of world peace and to the activities in the struggle against colonialism and neo-colonialism in all their forms and manifestations, and against all forms and varieties of racialism, fascism, and apartheid as well as other ideologies which breed national and racial hatred and which are contrary to the purposes of this recommendation.

IV. National policy, planning and administration

7. Each Member State should formulate and apply national policies aimed at increasing the efficacy of education in all its forms and strengthening its contribution to international understanding and co-operation, to the maintenance and development of a just peace, to the establishment of social justice, to respect for and application of human rights and fundamental freedoms, and to the eradication of the prejudices, misconceptions, inequalities and all forms of injustice which hinder the achievement of these aims.
8. Member States should in collaboration with the National Commissions take steps to ensure co-operation between ministries and departments and co-ordination of their efforts to plan and carry out concerted programmes of action in international education.
9. Member States should provide, consistent with their constitutional provisions, the financial, administrative, material and moral support necessary to implement this recommendation.

V. Particular aspects of learning, training and action

Ethical and civic aspects

10. Member States should take appropriate steps to strengthen and develop in the processes of learning and training, attitudes and behaviour based on recognition of the equality and necessary interdependence of nations and peoples.
11. Member States should take steps to ensure that the principles of the Universal Declaration of Human Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination become an integral part of the developing personality of each child, adolescent, young person or adult by applying these principles in the daily conduct of education at each level and in all its forms, thus enabling each individual to contribute personally to the regeneration and extension of education in the direction indicated.
12. Member States should urge educators, in collaboration with pupils, parents, the organizations concerned and the community, to use methods which appeal to the creative imagination of children and adolescents and to their social activities and thereby to prepare them to exercise their rights and freedoms while recognizing and respecting the rights of others and to perform their social duties.
13. Member States should promote, at every stage of education, an active civic training which will enable every person to gain a knowledge of the method of operation and the work of public institutions, whether local, national or international, to become acquainted with the procedures for solving fundamental problems; and to participate in the cultural life of the community and in public affairs. Wherever possible, this participation should increasingly link education and action to solve problems at the local, national and international levels.
14. Education should include critical analysis of the historical and contemporary factors of an economic and political nature underlying the contradictions and tensions between countries, together with study of ways of overcoming these contradictions, which are the real impediments to understanding, true international co-operation and the development of world peace.
15. Education should emphasize the true interests of peoples and their incompatibility with the interests of monopolistic groups holding economic and political power, which practise exploitation and foment war.
16. Student participation in the organization of studies and of the educational establishment they are attending should itself be considered a factor in civic education and an important element in international education.

Cultural aspects

17. Member States should promote, at various stages and in various types of education, study of different cultures, their reciprocal influences, their perspectives and ways of life, in order to encourage mutual appreciation of the differences between them. Such study should, among other things, give due importance to the teaching of foreign languages, civilizations and cultural heritage as a means of promoting international and inter-cultural understanding.

Study of the major problems of mankind

18. Education should be directed both towards the eradication of conditions which perpetuate and aggravate major problems affecting human survival and well-being—inequality, injustice, international relations based on the use of force—and towards measures of international co-operation likely to help solve them. Education which in this respect must necessarily be of an interdisciplinary nature should relate to such problems as:
    (a) equality of rights of peoples, and the right of peoples to self-determination;
    (b) the maintenance of peace; different types of war and their causes and effects; disarmament; the inadmissibility of using science and technology for warlike purposes and their use for the purposes of peace and progress; the nature and effect of economic, cultural and political relations between countries and the importance of international law for these relations, particularly for the maintenance of peace;
    (c) action to ensure the exercise and observance of human rights, including those of refugees; racialism and its eradication; the fight against discrimination in its various forms;

(d) economic growth and social development and their relation to social justice; colonialism and decolonization; ways and means of assisting developing countries; the struggle against illiteracy; the campaign against disease and famine; the fight for a better quality of life and the highest attainable standard of health; population growth and related questions;
(e) the use, management and conservation of natural resources, pollution of the environment;
(f) preservation of the cultural heritage of mankind;
(g) the role and methods of action of the United Nations system in efforts to solve such problems and possibilities for strengthening and furthering its action.

19. Steps should be taken to develop the study of those sciences and disciplines which are directly related to the exercise of the increasingly varied duties and responsibilities involved in international relations.

Other aspects

20. Member States should encourage educational authorities and educators to give education planned in accordance with this recommendation an interdisciplinary, problem-oriented content adapted to the complexity of the issues involved in the application of human rights and in international co-operation, and in itself illustrating the ideas of reciprocal influence, mutual support and solidarity. Such programmes should be based on adequate research, experimentation and the identification of specific educational objectives.
21. Member States should endeavour to ensure that international educational activity is granted special attention and resources when it is carried out in situations involving particularly delicate or explosive social problems in relations, for example, where there are obvious inequalities in opportunities for access to education.

VI. Action in various sectors of education

22. Increased efforts should be made to develop and infuse an international and inter-cultural dimension at all stages and in all forms of education.
23. Member States should take advantage of the experience of the Associated Schools which carry out, with Unesco's help, programmes of international education. Those concerned with Associated Schools in Member States should strengthen and renew their efforts to extend the programme to other educational institutions and work towards the general application of its results. In other Member States, similar action should be undertaken as soon as possible. The experience of other educational institutions which have carried out successful programmes of international education should also be studied and disseminated.
24. As pre-school education develops, Member States should encourage in it activities which correspond to the purposes of the recommendation because fundamental attitudes, such as, for example, attitudes on race, are often formed in the pre-school years. In this respect, the attitude of parents should be deemed to be an essential factor for the education of children, and the adult education referred to in paragraph 30 should pay special attention to the preparation of parents for their role in pre-school education. The first school should be designed and organized as a social environment having its own character and value, in which various situations, including games, will enable children to become aware of their rights, to assert themselves freely while accepting their responsibilities, and to improve and extend through direct experience their sense of belonging to larger and larger communities—the family, the school, then the local, national and world communities.
25. Member States should urge the authorities concerned, as well as teachers and students, to re-examine periodically how post-secondary and university education should be improved so that it may contribute more fully to the attainment of the objectives of this recommendation.
26. Higher education should comprise civic training and learning activities for all students that will sharpen their knowledge of the major problems which they should help to solve, provide them with possibilities for direct and continuous action aimed at the solution of those problems, and improve their sense of international co-operation.
27. As post-secondary educational establishments, particularly universities, serve growing numbers of people, they should carry out programmes of international education as part of their broadened function in lifelong education and should in all teaching adopt a global approach. Using all means of communication available to them, they should provide opportunities, facilities for learning and activities adapted to people's real interests, problems and aspirations.

28. In order to develop the study and practice of international co-operation, post-secondary educational establishments should systematically take advantage of the forms of international action inherent in their role, such as visits from foreign professors and students and professional co-operation between professors and research teams in different countries. In particular, studies and experimental work should be carried out on the linguistic, social, emotional and cultural obstacles, tensions, attitudes and a tions which affect both foreign students and host establishments.
29. Every stage of specialized vocational training should include training to enable students to understand their role and the role of their professions in developing their society, furthering international co-operation, maintaining and developing peace, and to assume their role actively as early as possible.
30. Whatever the aims and forms of out-of-school education, including adult education, they should be based on the following considerations:
    (a) as far as possible a global approach should be applied in all out-of-school education programmes, which should comprise the appropriate moral, civic, cultural, scientific and technical elements of international education;
    (b) all the parties concerned should combine efforts to adapt and use the mass media of communication, self-education, and inter-active learning, and such institutions as museums and public libraries to convey relevant knowledge to the individual, to foster in him or her favourable attitudes and a willingness to take positive action, and to spread knowledge and understanding of the educational campaigns and programmes planned in accordance with the objectives of this recommendation;
    (c) the parties concerned, whether public or private, should endeavour to take advantage of favourable situations and opportunities, such as the social and cultural activities of youth centres and clubs, cultural centres, community centres or trade unions, youth gatherings and festivals, sporting events, contacts with foreign visitors, students or immigrants and exchanges of persons in general.
31. Steps should be taken to assist the establishment and development of such organizations as student and teacher associations for the United Nations, international relations clubs and Unesco Clubs, which should be associated with the preparation and implementation of co-ordinated programmes of international education.
32. Member States should endeavour to ensure that, at each stage of school and out-of-school education, activities directed towards the objectives of this recommendation be co-ordinated and form a coherent whole within the curricula for the different levels and types of education, learning and training. The principles of co-operation and association which are inherent in this recommendation should be applied in all educational activities.

VII. Teacher preparation

33. Member States should constantly improve the ways and means of preparing and certifying teachers and other educational personnel for their role in pursuing the objectives of this recommendation and should, to this end:
    (a) provide teachers with motivations for their subsequent work: commitment to the ethics of human rights and to the aim of changing society, so that human rights are applied in practice; a grasp of the fundamental unity of mankind; ability to instil appreciation of the riches which the diversity of cultures can bestow on every individual, group or nation;
    (b) provide basic interdisciplinary knowledge of world problems and the problems of international co-operation, through, among other means, work to solve these problems;
    (c) prepare teachers themselves to take an active part in devising programmes of international education and educational equipment and materials, taking into account the aspirations of pupils and working in close collaboration with them;
    (d) comprise experiments in the use of active methods of education and training in at least elementary techniques of evaluation, particularly those applicable to the social behaviour and attitudes of children, adolescents and adults;
    (e) develop aptitudes and skills such as a desire and ability to make educational innovations and to continue his or her training; experience in teamwork and in interdisciplinary studies; knowledge of group dynamics; and the ability to create favourable opportunities and take advantage of them;

(f) include the study of experiments in international education, especially innovative experiments carried out in other countries, and provide those concerned, to the fullest possible extent, with opportunities for making direct contact with foreign teachers.

34. Member States should provide those concerned with direction, supervision or guidance—for instance, inspectors, educational advisers, principals of teacher-training colleges and organizers of educational activities for young people and adults—with training, information and advice enabling them to help teachers work towards the objectives of this recommendation, taking into account the aspirations of young people with regard to international problems and new educational methods that are likely to improve prospects for fulfilling these aspirations. For these purposes, seminars or refresher courses relating to international and inter-cultural education should be organized to bring together authorities and teachers; other seminars or courses might permit supervisory personnel and teachers to meet with other groups concerned such as parents, students, and teachers' associations. Since there must be a gradual but profound change in the role of education, the results of experiments for the remodelling of structures and hierarchical relations in educational establishments should be reflected in training, information and advice.

35. Member States should endeavour to ensure that any programme of further training for teachers in service or for personnel responsible for direction includes components of international education and opportunities to compare the results of their experiences in international education.

36. Member States should encourage and facilitate educational study and refresher courses abroad, particularly by awarding fellowships, and should encourage recognition of such courses as part of the regular process of initial training, appointment, refresher training and promotion of teachers.

37. Member States should organize or assist bilateral exchanges of teachers at all levels of education.

VIII. Educational equipment and materials

38. Member States should increase their efforts to facilitate the renewal, production, dissemination and exchange of equipment and materials for international education, giving special consideration to the fact that in many countries pupils and students receive most of their knowledge about international affairs through the mass media outside the school. To meet the needs expressed by those concerned with international education, efforts should be concentrated on overcoming the lack of teaching aids and on improving their quality. Action should be on the following lines:

(a) appropriate and constructive use should be made of the entire range of equipment and aids available, from textbooks to television, and of the new educational technology;

(b) there should be a component of special mass media education in teaching to help the pupils to select and analyse the information conveyed by mass media;

(c) a global approach, comprising the introduction of international components, serving as a framework for presenting local and national aspects of different subjects and illustrating the scientific and cultural history of mankind, should be employed in textbooks and all other aids to learning, with due regard to the value of the visual arts and music as factors conducive to understanding between different cultures;

(d) written and audio-visual materials of an interdisciplinary nature illustrating the major problems confronting mankind and showing in each case the need for international co-operation and its practical form should be prepared in the language or languages of instruction of the country with the aid of information supplied by the United Nations, Unesco and other Specialized Agencies;

(e) documents and other materials illustrating the culture and the way of life of each country, the chief problems with which it is faced, and its participation in activities of world-wide concern should be prepared and communicated to other countries.

39. Member States should promote appropriate measures to ensure that educational aids, especially textbooks, are free from elements liable to give rise to misunderstanding, mistrust, racialist reactions, contempt or hatred with regard to other groups or peoples. Materials should provide a broad background of knowledge which will help learners to evaluate information and ideas disseminated through the mass media that seem to run counter to the aims of this recommendation.

40. According to its needs and possibilities, each Member State should establish or help to establish one or more documentation centres offering written and audio-visual material devised according to the objectives of this recommendation and adapted to the different forms and stages of education. These centres should be designed to foster the reform of international education, especially by developing and disseminating innovative ideas and materials, and should also organize and facilitate exchanges of information with other countries.

IX. Research and experimentation

41. Member States should stimulate and support research on the foundations, guiding principles, means of implementation and effects of international education and on innovations and experimental activities in this field, such as those taking place in the Associated Schools. This action calls for collaboration by universities, research bodies and centres, teacher-training institutions, adult education training centres and appropriate non-governmental organizations.
42. Member States should take appropriate steps to ensure that teachers and the various authorities concerned build international education on a sound psychological and sociological basis by applying the results of research carried out in each country on the formation and development of favourable or unfavourable attitudes and behaviour, on attitude change, on the interaction of personality development and education and on the positive or negative effects of educational activity. A substantial part of this research should be devoted to the aspirations of young people concerning international problems and relations.

X. International co-operation

43. Member States should consider international co-operation a responsibility in developing international education. In the implementation of this recommendation they should refrain from intervening in matters which are essentially within the domestic jurisdiction of any State in accordance with the United Nations Charter. By their own actions, they should demonstrate that implementing this recommendation is itself an exercise in international understanding and co-operation. They should, for example, organize, or help the appropriate authorities and non-governmental organizations to organize, an increasing number of international meetings and study sessions on international education; strengthen their programmes for the reception of foreign students, research workers, teachers and educators belonging to workers' associations and adult education associations; promote reciprocal visits by schoolchildren, and student and teacher exchanges; extend and intensify exchanges of information on cultures and ways of life; arrange for the translation or adaptation and dissemination of information and suggestions coming from other countries.
44. Member States should encourage the co-operation between their Associated Schools and those of other countries with the help of Unesco in order to promote mutual benefits by expanding their experiences in a wider international perspective.
45. Member States should encourage wider exchanges of textbooks, especially history and geography textbooks, and should, where appropriate, take measures, by concluding, if possible, bilateral and multilateral agreements, for the reciprocal study and revision of textbooks and other educational materials in order to ensure that they are accurate, balanced, up to date and unprejudiced and will enhance mutual knowledge and understanding between different peoples.

DECLARATION OF THE RIGHTS OF A CHILD

Adopted by the General Assembly of the United Nations on November 20, 1959

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection before as well as after birth,

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

Whereas mankind owes to the child the best it has to give,

Now therefore

The General Assembly proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals and upon voluntary organizations, local authorities and national governments to recognize and strive for the observance of these rights by legislative and other measures progressively taken in accordance with the following principles:

Principle 1

The child shall enjoy all the rights set forth in this declaration. All children, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

Principle 3

The child shall be entitled from his birth to a name and a nationality.

Principle 4

The child shall enjoy the benefits of social security. He shall be entitled to grow up and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate prenatal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and those without adequate means of support. Payment of state and other assistance toward the maintenance of children of large families is desirable.

Principle 7

The child is entitled to receive education, which shall be free and compulsory at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis of equal opportunity to develop his abilities, his individual judgment and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and upbringing; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavor to promote the enjoyment of this right.

Principle 8

The child shall in all circumstances be among the first to receive protection and relief.

Principle 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development.

Principle 10

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

X. Resources for Action

A. Resources for Action: Ideas

"But What Can I Do?: A Citizen's Guide"

As an Individual....

1. Join Amnesty International and adopt a prisoner of conscience and work for his or her release.

2. Write to the organizations listed in Section 5 asking for their introductory brochure and decide which of them deserve your support.

3. Consider ways in which violations of human rights occur and are either redressed or left unresolved in your community. Join a local organization concerned about improving the enjoyment of human rights.

4. Study the issues in the advancement of international human rights and keep current on new issues as they appear. In this way you can become your community's and your organization's human rights resource person.

With Nongovernmental Organizations....

1. Ask your school, professional organization, church, temple or civic association to consider human rights questions of concern to them.

2. Ask your library (public, school and/or organization) to provide display materials on human rights and to stock and feature books related to international human rights issues.

3. Identify people knowledgeable about human rights issues and invite them to speak before an organization.

4. Learn what other nongovernmental organizations have and are doing to promote human rights in this and other countries.

5. Check on the availability of films on human rights and publicize their sources and content.

With Congresspeople, Senators and Government Officials....

1. Bring to the attention of public officials the current status of United States ratification of international Covenants and Conventions and ask their position on them.

2. Look over the proposals for U. S. action on human rights and decide which deserve your support and encourage organizations and others to support them.

3. Ask that human rights issues be considered apart from policy questions and that the U. S. uphold human rights standards.

At the International Level....

1. Maintain a record of violations of human rights in other countries and the work of international agencies in uncovering and, perhaps, ending them. Be certain to include both the work of nongovernmental, international organizations and international organizations when publicizing work to uncover and prevent human rights violations.

2. Monitor the work of international organizations in the field and seek to get them to live up to their own high standards.

B. Films

The Great Right, 16mm, 14 minutes, color, 1963, $10.00 rental, Audio-Brandon Films, 34 McQuestin Parkway S., Mt. Vernon, New York 10550. An animated introduction to the Bill of Rights depicting what it would be like if the Bill of Rights did not exist in the U. S.

A View of America from the 23rd Century, 16mm, 21 minutes, color or b & w, $7.50 color, $5.50 b & w rental, Audio-Visual. Describes an authoritarian world order as in power in the 23rd Century and studies where we went wrong in the late 20th Century. Among those contributing to the demise of liberty were all those separatist interests which put their own interest before that of the good of the community, plus the apathy of the majority.

The Economic and Social Council. This film describes the work of the Council in promoting economic development and increasing freedoms through international cooperation. 15 minutes, Contemporary Films.

Overture, 9 minutes, b & w, Contemporary Films, $5.00 rental. A performance of Beethoven's Egmont Overture illustrated by scenes of devastation and suffering caused by war, disease and famine. The work of the United Nations in its world-wide efforts to aid recovery are shown. A good general introduction to a study of the U. N.

Who Speaks for Man, 1970, 56 minutes, NET. A powerful documentary record of human suffering which only an effective world organization might have prevented or reduced. The film demands an analysis not only of the responsibilities of the U. N., but of the motives and values of those representing member states.

Our Small World, 6 minutes, CARE. Portrays the involvement of people in the U. S. helping people of developing countries around the world work their way out of poverty and despair.

The Road to Progress, 20 minutes, CARE. This film tells the story of more than half the people on earth who are in desperate need of both food and the means to grow their own food. Portrays what life is like when family income is less than $200 per year.

D. Decision-Makers on Human Rights

I. The United States

The President
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500

U. S. Mission to the U. N.
799 United Nations Plaza
New York City, New York 10017

The Honorable _____
United States Senate
Washington, D. C. 20510

Committees - Senate

Foreign Relations
Appropriations
Foreign Operations
Democratic Policy Committee
Republican Policy Committee

Secretary of State
Department of State
2201 C Street
Washington, D. C. 20520

Human Rights Division
Department of State
2201 C Street
Washington, D. C. 20520

The Honorable _____
House of Representatives
Washington, D. C. 20515

Committees - House

Appropriations
International Relations
Subcommittee on International Organizations and Movements

II. International Organizations

Secretary General
United Nations
New York City, New York 10017

U. N. Commission on Human Rights
Economic & Social Council
United Nations
New York City, New York 10017

Inter-American Commission on Human Rights
Organization of Am. States
17th Street & Constitution Ave.
Washington, D. C. 20006

Director-General
International Labour Office
International Labor Organization
1211 Geneva 22
Switzerland

Division of Human Rights
Secretary General
United Nations
New York City, New York 10017

European Office of the U. N.
Palais des Nations
Geneva, Switzerland

European Commission on Human Rights
Council of Europe
Strasbourg, France

UNESCO
Place de Fontenoy
Paris 7c, France

Newsletter of

WORLD WITHOUT WAR BOOKSTORE

project of the World Without War Council — Midwest
in co-operation with the United Nations Association, Illinois

INTERNATIONAL HUMAN RIGHTS

Vol. 1 no. 4 August 1977

To the reader

The World Without War Bookstore has moved from 110 S. Dearborn to 67 E. Madison, Suite 1417, Chicago, Ill. 60603. The phone remains the same (312) 236-7459.

Each of the items listed in this newsletter is available from the bookstore. See ordering information at the end.

Each issue of the newsletter is devoted to one goal essential to a world without war. This issue is devoted to the international advancement of human rights.

Introduction

☐1. **Human Rights, the United States and World Community,** *Vernon Van Dyke, 292pp, 1970, Oxford University Press, $4.50* A general introduction to the post-World War II international human rights movement and to the U.S.'s participation and non-participation in it. The best single introduction.

☐2. **Human Rights in the World.** *A.H. Robertson, 280pp, 1972, Humanities Press, $12.00* A useful survey of the problems and remedies in achieving an effective international human rights movement.

☐3. **Human Rights and International Relations,** *Jorge Demoinquez, Richard Falk, Nigel Rodley and Ben Whitaker, 160pp, 1977, McGraw Hill, $4.95* An introduction to a variety of international human rights issues including the problem of achieving a world order and the protection of minority rights.

☐4. **International Concern with Human Rights,** *Moses Moskowitz, 239pp, 1975, Oceana Publications, $20.00* A distinguished activist in the international human rights movement here explains why the gap between the proclamation of international human rights and their enjoyment is so wide. The author offers a variety of proposals for closing the gap.

Human Rights and War

☐5. **International Human Rights Kit,** *Robert Woito (ed.), 120pp, 1977, World Without War Publications, $2.50* An introduction for students and concerned citizens which includes:

a. A self-survey
b. Questions and Answers Concerning Human Rights
c. The Basic Texts including the U.S. and Soviet Bill of Rights, the Universal Declaration of Human Rights and the two International Covenants
d. Contending Perspectives on Human Rights
e. Human Rights problems in the "Third World"
f. A Table of Ratification of international human rights instruments and assessments of performance
g. [illegible]nt Procedures for filing a Human [illegible] complaint
h. [illegible]rces for Action: ideas, organizations and people

☐6. **Human Rights and War,** *Robert Woito, 8pp, 1977, World Without War Publications, $.25* An essay discussing the inter-relationship between human rights issues and war which attempts to define the basis of principled human rights advocacy.

Documents

☐7. **Universal Declaration of Human Rights,** *$.02* The text of the 1948 Universal Declaration of Human Rights.

☐8. **Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, with Optional Protocol,** *36pp, $.50* The texts of the two covenants which were drafted in 1966 and which now have secured enough ratifications to have entered into force. The U.S. has not yet ratified (1977).

☐9. **Human Rights, A Compilation of International Instruments of the United Nations,** *United Nations, 106pp, 1973, $6.00* Includes the texts of forty-one Human Rights Declarations, Covenants and Conventions adopted between 1948 and 1973. The complete text, the agency adopting the text and the date of adoption are provided in each case.

☐10. **Basic Documents on International Protection of Human Rights,** *Louis Sohn and Thomas Buergenthal, 244pp, 1973, Bobbs-Merrill, $4.25* In addition to selected United Nations documents, this work includes the European Convention on Human Rights and the two existing regional human rights conventions.

Defenses of Human Rights: Civil and Political

☐11. **On Liberty,** *John Stuart Mill, introduction by David Spitz, 260pp, 1975, W.W. Norton, $2.95* The classic text defending pure tolerance and the open exchange of ideas as the best way of securing individual liberty and approximating the truth, reprinted here with critical comments.

☐12. **The Federalist Papers,** *James Madison, Alexander Hamilton and John Jay, 560pp, 1961, New American Library, $1.95* Written to secure ratification of the U.S. Constitution, these papers defend a system of checks and balance of authority and interest as the best mechanisms for resolving conflict, limiting government and advancing the welfare of the society.

☐13. **Essays in the Liberal Interpretation of History,** *Lord Acton, 427pp, 1967, University of Chicago Press, $4.50* Acton's essays on "The History of Freedom in Antiquity" and "The History of Freedom in Christianity" plus the essay on "Nationality" describe both the sources of and the major enemies to liberty.

☐14. **The Development of the Democratic Idea, Readings from Pericles to the Present,** *Charles Sherever (ed.), 604pp, 1968, Washington Square Press, $1.45* Traces the course of the democratic idea over twenty-five centuries through basic democratic texts ranging from Pericles' "Funeral Oration" through selections by Locke, Montesquieu, Jefferson, Kant, Sidney Hook and others.

Defense of Human Rights: Economic, Social & Cultural

☐15. **Charter and Resolution on the Economic Rights and Duties of States,** *United Nations, 10pp, 1975, United Nations, $.50* Two documents adopted by the U.N. General Assembly which seek to create a new, more equitable international economic order.

☐16. **On the Development of Peoples, Populorum Progressio,** *Pope Paul VI, 53pp, 1967, St. Paul Editions, $.50* A papal encyclical which seeks the removal of "excessive economic, social and cultural inequalities because they arouse tensions and conflicts and are a danger to peace."

☐17. **The New Conservatives: A Critique from the Left,** *Lewis Coser and Irving Howe, 321pp, 1976, Doubleday, $5.95* A variety of essays reprinted from *Dissent,* which apply a democratic socialist perspective to the goal of achieving greater economic, social and cultural equality.

Judging Performance

☐18. **Rights and Liberties in the World Today, Constitutional Promise and Reality,** *Ivo Duchacek, 269pp, 1973, ABC-CIEO Press, $5.45* A comparative study of political, economic and social rights, duties and liberties in selected Western, Communist and third-world states. The book focuses on personal liberty, economic and social progress, impartial justice, freedom of expression and the right to strike by labor unions. Both national constitutional and the Universal Declaration of Human Rights are referred to as standards.

☐19. **Human Rights and the Liberation of Man in the Americas,** *Louis M. Collonese, 278pp, 1970, University of Notre Dame Press, $3.25* An anthology appraising the quest for human rights and the obstacles to their broader enjoyment in Latin America. After surveying the obstacles of poverty, militarism, Communism and capitalism, this work concludes on a cautiously optimistic note. The Universal Declaration of Human Rights is the main standard.

☐20. **Freedom at Issue,** *Leonard Sussman (ed.), 32pp, 1977, Freedom House, $2.00* Published annually, the "Comparative Survey of Freedom" assesses the degree to which individuals in every country enjoy the basic freedoms outlined in the U.S. Bill of Rights.

☐21. **The U.S. and World Development, Agenda 1977,** *John Sewell and others, 250pp, 1977, Praeger, $4.95* This annual provides a survey of national economic circumstances and this year introduces a quality of life indicator useful in making comparisons. The quality of life indicator is a composite of literacy level, nutritional intake and life expectancy and thus suggests the degree to which parts of the Covenant on Economic, Social and Cultural rights are being achieved.

☐22. **Comparative Human Rights,** *Richard Claude (ed.), 410pp, 1976, John Hopkins University Press, $16.50* Seeks to systematize the study of human rights by identifying and applying four dimensions of human rights problems to different countries: the sources, content, degree of protection and possibility of extension of human rights. Considers the civil rights and the social setting in which they are realized.

☐23. **The Amnesty International Report, 1975-1976,** *Amnesty International, 220pp, 1976, Amnesty International, $3.00* A report on the activities of Amnesty International to its nearly 100,000 members, detailing the human rights problems in many countries and Amnesty's efforts on behalf of prisoners of conscience.

The United Nations and Human Rights

☐24. **United Nations Action in the Field of Human Rights,** *United Nations, 212pp, 1974, United Nations, $10.00* A complete introduction to all U.N. activity in the field; descriptive in tone.

☐25. **The United Nations and Human Rights,** *United Nations, 87pp, 1973, $3.00* A survey of the sources, activities and procedures in U.N. Human Rights activities.

☐26. **Issues before the (current) General Assembly,** *United Nations Association of the U.S., 32 to 64pp, 1977, UNA of the U.S.A., $3.00* Published annually in September, this publication describes the Human Rights and other issues likely to be debated in the U.N. General Assembly.

☐27. **Yearbook on Human Rights,** *United Nations, $18.00* Published every two years, this work now includes three sections: on national development during the two-year period; on Trust and Non-Self-Governing Territories; and on international developments.

☐28. **The United Nations and Human Rights,** *Louis Sohn, 239pp, 1968, Commission to Study the Organization of Peace, $2.50* A brief historical overview and detailed assessment of U.N. activity on human rights.

☐29. **The United Nations Double Standard on Human Rights,** *William Korey, 5pp, 1977, Washington Post reprint, $.25* A long time observer of U.N. human rights activity here describes the recent politicization of the U.N.'s Commission on Human Rights and its refusal to assess human rights violations in countries other than Israel, South Africa and Chile.

☐30. **UNESCO and World Politics: Engaging in International Relations,** *James Sewell, 384pp, 1975, Princeton University Press, $18.50* A study of the workings of UNESCO and its politicalization.

☐31. **The Human Rights Commission at Geneva,** *Homer Jack, 9pp, 1976, World Conference on Religion and Peace, $.60* Describes an address by Jack on religious liberty to the Commission with governmental response, generally negative and a resolution by the Commission designed to limit non-governmental organizations' communications to the Commission.

International Law and Human Rights

☐32. **International Protection of Human Rights,** *Louis Sohn and Thomas Buergenthal, 1402pp, 1973, Bobbs-Merrill, $19.50* Although written for lawyers, this volume presents a comprehensive introduction to human rights protection under international law. Essays and cases on the status of individuals in international law, the protection of the rights of aliens, humanitarian intervention, the United Nations and the European Convention make this an excellent introduction and reference work.

☐33. **International Law Perspectives of the Developing Countries: The Relationship of Law and Economic Development to Basic Human Rights,** *Charles Okelie, 420pp, 1975, Nok Publishers, $22.00* In the context of the apparently overriding need for economic development, this work discusses the relevance of law and human rights concerns.

☐34. **International Human Rights: Problems of Law and Policy,** *Richard Lillich and Frank Newman (eds.), 1977, McGraw Hill, $4.95* Introduces specific issues such as regional vs. U.N. human rights procedures, terrorism, Apartheid and war crimes.

Regional Human Rights Promotion

☐35. **"Positive Achievements in the Field of Human Rights in Europe,"** *Paul Levy, 5pp, 1976, World Conference on Religion and Peace, $.50* Describes how the European Convention on Human Rights has worked plus the work of the Commission under it to which over 7,000 individual human rights complaints were referred up to 1974.

☐36. **The European Convention on Human Rights,** *Frede Castberg, 230pp, 1974, Oceana Publications, $16.50* Although written as an introduction for lawyers, this work describes the functioning of the European system and the procedures by which individuals file human rights claims.

☐37. **The OAS and the Promotion and Protection of Human Rights,** *Lawrence Le Blanc, 210pp, 1977, Martinus Nijhoff, $17.00 (est.) A study of the Inter-American human rights institutions and their effectiveness in promotion of human rights.*

Selected Accusations

No country is without violations of human rights. Few if any have effective procedures for detecting, adjudicating and resolving violations. Thus, no country should be left off this list. Sources of information concerning additional countries are thus provided.

☐38. **Uganda and Human Rights: Reports to the U.N. Commission on Human Rights,** *International Commission of Jurists, 167pp, 1977, International Commission of Jurists, $6.00* Contains the texts of five "communications" from the International Commission of Jurists to the U.N. Commission on Human Rights. The UN Commission has taken no action so far but has voted to "keep the matter under review." Additional reports available from: **International Commission of Jurists,** 777 United Nations Plaza, New York, N.Y. 10017.

☐39. **Final Report of Mission to Chile,** *International Commission of Jurists, 1974, $3.00* Assesses violations in the post Allende period.

☐40. **Conference on Security and Cooperation in Europe (Helsinki Declaration),** *Sidney Leskofsky, 10pp, 1976, International League for Human Rights, $.50* A report on the human rights provisions of the Helsinki accords. Write the **League for Human Rights,** 777 United Nations Plaza, Suite 6F, New York, N.Y. 10018 for its current publications.

☐41. **Iran, Briefing Paper,** *Amnesty International, 11pp, 1976, $1.00* One of a series of briefing papers from Amnesty International assessing political and legal institutions designed to limit human rights violations and their success or failure in specific countries. Also available are papers on Singapore, Rhodesia/Zimbabwe, People's Democratic Republic of Yemen, Paraguay and Taiwan. Write: **Amnesty International,** 2112 Broadway, Room 309, New York, N.Y. 10023.

☐42. **Human Rights Reports,** *U.S. Department of State, 143pp, 1977, U.S. Government Printing Office, $1.60* Provides one page summaries of human rights conditions in the 84 countries being considered for U.S. military security assistance as required by the Foreign Assistance Act. The focus of the evaluation is on the integrity of the person clauses of the Universal Declaration of Human Rights.

The House Sub-Committee on International Organizations has held hearings on human rights violations in specific countries during the past several years. The transcripts of these hearings are available from the U.S. Government printing office. Write Congressman Donald Fraser, House of Representatives, Washington, D.C. 20515 for a list of these publications.

☐43. **Prisoners of Conscience in the U.S.S.R.,** *Amnesty International, USA, 150pp, 1975, Amnesty International, $2.50* Presents an account of conditions in "Soviet prisons and corrective labor colonies. The treatment of prisoners in psychiatric institutions is detailed."

☐44. **The Jews in Soviet Russia Since 1917,** *Lionel Kochan (ed.), 1973, Oxford University Press, $15.25* Examines the disrespect for cultural and religious freedoms in the Soviet Union.

☐45. **Apartheid and Racial Discrimination in Southern Africa,** *Report to the U.N. Commission on Human Rights, 79pp, 1968, United Nations, $1.00* Details the legal forms which institutionalize racial discrimination in Southern Africa.

Proposals for Reform

☐46. **Fraser Committee,** *4pp, 1974, $.25* The recommendations of the House Sub-Committee on International Organizations are here reprinted. The twenty-nine specific proposals include recommendations for new procedures and new institutions.

☐47. **Safeguarding Human Freedoms,** *Margaret Galey, Chairwoman of Working Group on Human Rights, 160pp, 1977, Commission to Study the Organization of Peace, $2.50* (est.) A wide-ranging study of the existing international system for the protection of human rights with specific proposals for improving the civil and political rights of U.N. member states. Included are special chapters on the rights of women, the problems of torture and terrorism and on the regional promotion of human rights.

☐48. **The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress,** *Manouchehr Ganji, Special Rapporteur of the Commission on Human Rights, 326pp, 1975, United Nations, $14.00* A report on a U.N. sponsored congress designed to advance economic, social and cultural rights.

☐49. **How to File Complaints of Human Rights Violations, A Practical Guide to Inter-Governmental Procedures,** *Glenda Da Fonseca, 152pp, 1975, World Council of Churches, $4.00* A practical guide to the procedures of the U.N., International Labor Organization, and European and Inter-American Commissions on Human Rights for filing human rights complaints after domestic remedies have been found wanting.

☐50. **Implementing a Human Rights Commitment in United States Foreign Policy,** *International League for Human Rights, 75pp, 1977, International League for Human Rights, $3.00* A wide ranging report with many specific recommendations, this study includes steps the President, Congress, the United Nations and non-governmental agencies could take to advance human rights.

Specific Types of Violations: Torture

☐51. **Report on Torture,** *Amnesty International, 285pp, 1975, Farrar, Straus and Giroux, $3.45* A report on the widespread use of torture of political prisoners in sixty-two countries with suggestions for improved legal remedies.

Specific Problems: Terrorism

☐52. **International Terrorism, National, Regional and Global Perspectives,** *Yonah Alexander (ed.), 392pp, 1976, Praeger, $5.95* Twelve scholars from different parts of the world provide conflicting perspectives on terrorism; included are articles on terrorism in the U.S., South America, the Middle East, Ireland, South Africa and South Asia. The failure of the U.N. to take up the question is also discussed.

Specific Problems: Refugees

☐53. **Refugees: A Problem of Our Time, The Work of the U.N. High Commissioner for Refugees, 1951-1972,** *1975, two volumes, Scarecrow Press, $45 for both.* Describes one consequence of war, refugees, and the role of the U.N. High Commissioner in attempts to resolve this problem.

Specific Problems: Religious Liberty

☐54. **238 Words Toward Religious Freedom,** *Homer Jack, 21pp, 1975, World Conference on Religion and Peace, $1.00* Describes the slow course of the draft convention on religious liberty through the United Nations machinery. Little progress has been made on this vital subject. Write the **World Conference on Religion and Peace,** 777 United Nations Plaza, New York, N.Y. 10017 for their complete list of human rights publications.

Human Rights in the United States

☐55. **Documentary Evidence of the Violation of Human Rights in the USA, Facts Bespeak Social Realities,** *Germen Democratic Republic (East Germany), 16pp, 1977, $.35 (handling).* Cites the denial of economic, social and cultural rights of the poor, blacks, native Americans and others in the U.S. plus the U.S.'s refusal to sign most international human rights covenants and conventions and the Vietnam war as demonstrating the lack of human rights in the United States.

☐56. **The Law and Political Protest,** *30 Law Students, 96pp, 1971, World Without War Publications, $1.25* Describes the wide range of legally protected protest and social change activities and how to secure them within the law in the United States.

☐57. **Liberty in the Balance, Current Issues in Civil Liberties,** *Frank Way, Jr., 128pp, 1976, McGraw Hill, $3.95* A valuable assessment of current human rights issues such as racial discrimination, the rights of women, obscenity and censorship, freedom of expression, church/state relations and criminal justice. The dimensions of each problem are presented in conjunction with ways of easing or resolving it.

Keeping-Up

☐59. **International Human Rights: A Bibliography 1970-1976,** *William Miller, 123pp, 1977, University of Notre Dame Law School, $2.00* Prepared under Notre Dame's Center for Civil Rights of the University's Law School, this is the second in a continuing series of reference bibliographies.

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address

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Mail to: WORLD WITHOUT WAR BOOKSTORE, a project of the World Without War Council Midwest, 67 E. Madison, Chicago, Ill. 60603. Other Council offices at 1514 N.E. 45th Street, Seattle, Wa. 98105; 1730 Grove Street, Berkeley, Ca. 94709; 175 Fifth Ave., N.Y., N.Y. 10010; and 1838 S.W. Jefferson, Portland, Or. 97201. Phone (312) 236-7459

_____ Check for free World Without War Council introduction

RESOURCES FOR TEACHING ABOUT HUMAN RIGHTS

(All items listed are available from the World Without War Bookstore, 67 E. Madison, #1417.)

Teaching About the Declarations

☐**1. Some Suggestions on Teaching About Human Rights,** *Sheila Kidd, 155pp, 1968, UNESCO, $2.50.* Surveys teaching methods and programs in different countries at primary and secondary levels.

☐**2. The Human Family, Human Rights, and Peace,** *Alice D. Tankard, 56pp, 1973, Wayne State Center for Teaching About Peace and War, $1.50.* Guide for study and discussion of the Universal Declaration of Human Rights. All grades.

☐ **3. Teaching about the Rights of the Child,** *Kit by UNICEF, $2.00.* Relates human rights to child's own experience and sense of justice. Teaching guide, wallsheet, text of the Universal Declaration and the Declaration of the Rights of the Child, bibliographies. K-9.

☐**3a. International Human Rights and International Education,** *Thomas Buergenthal and Judith Torney, 211pp, 1976, U.S. National Committee for UNESCO, $.35 (for handling).* Discussion of *UNESCO Recommendation,* international education and students' knowledge/attitudes, and current systems for protection of human rights. Chapter describing selected curriculum materials.

Fostering Global Identity

☐**4. Our Crowded Spaceship,** *Isaac Asimov, 160pp, 1974, UNICEF, $2.50.* Examines important questions about earth's population problems and what we must do to bring about solutions. Ages 10 and up.

☐**5. Teaching About Spaceship Earth: A Role-Playing Experience for the Middle Grades,** *Judith Torney & Peggy Mastrude, 66pp, 1972, Intercom #71, Center for Global Perspectives, $1.50.* Simulation game in which students, as passengers and crew on a spaceship, cope with emergencies that demonstrate the interdependencies of their life-support system and their need to work together. Grades 4, 5, and 6.

☐**6. Interdependence Curriculum Aid,** *112pp, 1976, Philadelphia World Affairs Council, $3.00.* Fully developed teacher guides for units on human rights and eight other global problems: peace and disarmament, resource scarcity, science and technology, world law and international institutions, food and nutrition, global economy, and oceans. Grades 7-12.

☐**7. World Problems in the Classroom: A Teacher's Guide to Some United Nations Tasks,** *Herbert Abraham, 1973, 223pp, UNESCO, $5.30.* Background information and questions to raise with students about human rights, peace, development, and nine other topics. Upper elementary and high school.

☐**8. Global Perspectives: Curriculum Development and Patterns for Teaching,** *1977, Center for Global Perspectives, $3.50.* A concept approach to add global perspectives to frequently taught content areas. Curriculum guides and sample lessons available for *conflict* or *interdependence,* for levels K-6 or 7-12. (Please circle both topic and level.)

☐**9. Education for a World in Change: A Working Handbook for Global Perspectives,** *David C. King, Margaret Branson & Larry Condon, 100pp, 1976, Intercom #84-85, Center for Global Perspectives, $3.50.* Delineation of the understandings, awareness, and abilities democratic citizens of the next century will need. Sample lessons in a variety of subject areas, K-12.

☐**10. Global Perspectives: The Human Dimension, Part 1: Self-Knowing and Humanity-Knowing. Part 2, Planet-Knowing.** *Margaret Branson and David King, 32pp each, 1977, Intercom #86 and #87, Center for Global Perspectives, $1.75 each.* Orientation and sample lessons for enhancing global perspectives and a caring for all humanity in humanities courses. High school.

☐**11. The Human Experience,** *David Weitzman and Richard Gross, 624pp, 1974, Houghton Mifflin, $11.56.* Contains units on "Human Origins"; "Rules, Rights, and Revolutions"; "World of the Family"; and four others. Units available separately in paperback. Background information, questions to guide generalization and interpretation, and suggested projects for students. Senior high.

Fostering Nonviolent Attitudes and Skills

☐**12. Manual on Nonviolence and Children,** *Stephanie Judson and others, 150pp, 1977, Friends Peace Committee, $5.00.* Rationale and techniques for developing nonviolent skills and attitudes in children (K-6). Ways to teach children to affirm themselves and others, to share feelings and experiences, to become a supportive community, to deal with problems constructively, and to celebrate beauty and joy. Many first-hand teacher reports of successful use of these techniques. Manual also includes *For the Fun of It: Selected Cooperative Games for Children and Adults.*

☐**13. Children's Creative Response to Conflict Handbook,** *Priscilla Prutzman and others, 150pp, 1977, Quaker Project on Community Conflict, $5.00.* Helpful instructions for many fun-type ways to teach middle-grade children to listen, communicate better, cooperate, and resolve conflicts. Developed in NY public schools.

☐**14. Building Blocks for Peace,** *Margaret Comstock, 18pp, 1973, Jane Addams Peace Association, $2.00.* Resource unit for kindergarten teachers on theme of learning to love.

☐**15. Peace Is in Our Hands,** *Grace Abrams & Fran Schmidt, 91pp, 1974, Jane Addams Peace Association, $5.00.* Resource unit for teachers on handling aggression nonviolently, empathizing with others' feelings, identifying with others of the human family, thinking of Earth as a spaceship, looking at causes and effects of war. Grades 1-6.

☐**16. Learning Peace,** *Grace Abrams & Fran Schmidt, 50pp, 1972, Jane Addams Peace Association, $3.00.* Resource unit for teachers with action and research projects on attitudes and prejudices, reasons for war, human and environmental problems resulting from war, international peacekeeping, world problems, and groups trying to solve them. Grades 7-12.

Human Rights and Problems of Development

☐**17. Education for Justice: A Resource Manual,** *Thomas P. Fenton (Ed.), 435pp, 1975, Orbis, $7.95.* Background readings, sample units and courses, and annotated resource list for Christian educators at all levels.

☐**18. Educating for Peace and Justice: A Manual for Teachers,** *352pp, 1976, Institute for Education in Peace and Justice, $8.00.* Extensive collection of curriculum units and resources for elementary and high school teachers for helping students become concerned about peace and justice issues.

☐**19. Focusing on Global Poverty and Development: A Resource Book for Teachers,** *Jayne Millar, 300pp, 1974, Overseas Development Council, $12.00.* Background essays, teaching suggestions, case studies, maps, charts, reading material on many aspects of development, and essays on how to fit these materials into nine curriculum areas. High school.

☐**20. Safe Water: A Basic Human Right,** *UNICEF, Slide set (20 slides) $3.00, or filmstrip (20 frames) $2.00.* Illustrates the relationship of water to child health and nutrition and describes UNICEF's work. Two thirds of the world's children do not have safe, clean water. Teacher's guide and commentary. All ages, color.

☐**21. Children of Asia,** *UNICEF, Slide set (30 slides), $4.00, or filmstrip (30 films), $3.00.* Shows the lives of children in different settings — home, school, work, play — and how UNICEF touches their lives. Commentary and teacher's guide. All ages, color.

Sexism and Women's Rights

☐**22. The Rights of Women,** *136pp, Sylvia Feldman, 1974, Hayden Book Co., $3.72.* Inquiry-oriented study of women's educational, employment, civil, and social status, with contrasting views, values, and images and alternate scenarios for the future. Senior high.

☐**23. Teaching About Women in the Social Studies: Concepts, Methods, and Materials,** *Jean Grambs, Ed., 117pp, 1976, National Council for the Social Studies, Bulletin 48, $1.50.* Examination of past and present stereotypes of women; results on women's opportunities and self-images; strategies and practical applications for nonsexist teaching.

☐**24. Womanpower in the Third World,** *Kit by UNICEF, $2.00.* Materials and resources on women in developing countries — their roles, potential, and increasing opportunities, changing images. Readings from UN sources, wall sheet, teacher's guide, annotated bibliography. High school.

Human Rights Violations

☐**25. The Struggle for Human Rights,** *Jack Fraenkel, Margaret Carter, & Betty Reardon, 71pp, 1975, Random House, $1.00.* Student booklet for exploring issues in human rights through analysis of quoted news items about human rights violations in different parts of the world. Grades 8-12.

☐**26. War Criminals, War Victims,** *Betty Reardon et al., 57pp, 1974, Random House, $1.00.* The old issue of what responsibility an individual has for acts committed under orders and under special duress. Students examine war crimes trials after three wars. Grades 8-12.

☐**27. Apartheid: Its Effects on Education, Science, Culture, and Information,** *250pp, 1972, UNESCO, $6.00.* Factual report of a thorough study of all these effects of the legal apartheid regulations on both black and white residents of South Africa.

☐**28. The Rosa Parks Story,** *Cassette (23 min.), filmstrip, and study guide,* Wayne State Center for Teaching about Peace and War, $20.00. Students relive and analyze the episode that led to the Montgomery bus strike, beginning the nonviolent civil rights movement under Martin Luther King, Jr.

Classroom Units for Experiential Learning ($.50 each)

☐**32. Amnesty International Unit,** *Dutch Section of Amnesty International, 14pp, mimeo, 1975.* Case histories of five political prisoners adopted by AI in different countries; their treatment examined in light of four articles of the Universal Declaration of Human Rights. High school.

☐**33. Applying the Bill of Rights and the Universal Declaration to Contemporary Situations,** *Howard Blue, 5pp, mimeo, Global Education Associates.* Discussion guide and reading list for examining human rights principles in specific terms. High school.

☐**34. Auschwitz: A Question of Responsibility,** *Carl Martz, 6pp, mimeo, Pasadena American Friends Service Committee.* Facts about the Auschwitz concentration camp, statements of justification by Nuremberg defendants, exploration of how ordinary citizens supported and aided Nazi policies and of what an individual's responsibilities are when under orders. Two hypothetical situations for students to project their own likely reactions. High school.

☐**35. How and Why We Stereotype People,** *Betty Cole, 5pp, mimeo, Pasadena American Friends Service Committee.* Three activities for helping students see their own stereotyping and experience being stereotyped by others. Discussion guide. Elementary and high school.

☐**36. Procedures for Analyzing and Clarifying Values Related to Human Rights,** *Margaret Carter and Betty Reardon, 4pp, Calif. Council for the Soc. Stud. Reports, 1973.* Instructions and discussion guide for a five-step sequence for defining and selecting human rights goals. High school.

☐**37. Rosa Parks and the Sit-ins,** *Carl Martz, 5pp, mimeo, Pasadena American Friends Service Committee.* Role-play and discussion guide on the Montgomery bus strike and the lunch counter sit-ins of the mid-1950s, with background information. Elementary and high school.

☐**38. The Holocaust: The Jewish Ordeal in Nazi-Occupied Europe, 1933-1945,** *Beverly Sanders, 12pp, New York Teacher Magazine.* Resource unit summarizing basic events of the Nazi persecution of Jews in each country. Questions for discussion, bibliography. High school.

Civil Rights and the Law

☐**29. Decision-Making in a Democracy,** *James Shaver and A. Guy Larkins, 442pp, 1973, Houghton Mifflin, $6.40.* Readings and questions on several facets of how society recognizes controversy, the need for order, and mechanisms for communication and resolution of disagreements in a democracy. Senior high.

☐**30. Dissent and Protest,** *David Naylor, 150pp, 1974, Hayden Book Co., $3.72.* Inquiry-oriented examination of dissent — history, ethics, contemporary examples, attitudes, court cases, dilemmas, society's methods for dealing with. Senior high.

☐**31. Great Cases of the Supreme Court,** *Robert Ratcliffe, Ed., 132pp, Houghton Mifflin, $3.96.* Introductory chapter on the U.S. Court system, followed by eight sections introducing historical cases regarding human rights violations that were submitted to the Supreme Court. Students debate cases before knowing how the Court decided. Senior high.

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E. Human Rights Periodicals

a. Organizational Newsletters

"Bill of Rights Newsletter"
Constitutional Rights Foundation
Los Angeles

"Bulletin", International League
for Human Rights

"Checklist of Human Rights Documents"
Tarlton Law Library
University of Texas
Austin, Texas 78705

"Civil Liberties Review"
American Civil Liberties Review
American Civil Liberties Union

"Civil Rights Digest"
U. S. Commission on Civil Rights

"Columbia Human Rights Review"
Columbia University Law School
New York, New York

"Free Trade Union News"
AFL-CIO, International Affairs Dept.
Room 809, 815 16th St., N. W.
Washington, D. C. 20006

"Human Rights Journal"
Institute of Human Rights
6 Place de Bordeaux
6700 Strasbourg, France

"The Human Rights Review"
23 Hanover Street
St. John's Word High Street
London NW 8, England

Human Rights Organizations and
Periodicals Directory
Meiklejohn Civil Liberties Institute
Berkeley, California

"The InterDependent"
United Nations Association
300 East 42nd Street
New York City, New York 10017

"Index on Censorship"
Writers and Scholars International
21 Russell Street
London, WC2B 5HP, England

"Matchbox"
Amnesty International

"Review"
International Commission of Jurists
109 Route de Chene, 1224 Chene Bougerie
Geneva, Switzerland

"Religion in Communist Dominated Areas"
Research Center for Religion and Human
Rights in Closed Societies
475 Riverside Drive
New York City, New York 10027

"Newsletter" Coalition for a New
Foreign and Military Policy
120 Maryland Ave., N. E.
Washington, D. C. 20002

"Survey"
135 Oxford Street
London, W1, England

b. National Periodicals

Atlas, World Press Review
Christian Science Monitor
Commentary
Dissent
Foreign Affairs
Foreign Policy
Newsweek
New York Times
Saturday Review
Time
Washington Post

F. Human Rights Organizations

There are many organizations whose interest touch on International Human Rights concerns when a specific issue, group or country is involved. In general, the groups listed below work on human rights issues even against their own political sympathies. When they do so, they help establish human rights as a concern above that of partisan or ideological interests.

Amnesty International
2112 Broadway
New York City, New York 10023

West Coast: 3618 Sacramento St.
San Francisco, California 94118

International Office:
53 Theobald's Road
London WCIX 85P, England

American Civil Liberties Union
22 East 40th Street
New York City, New York 10016

American Friends Service Comm.
1501 Cherry Street
Philadelphia, Penn. 19102

American Jewish Committee
165 East 56th Street
New York City, New York 10016

B'nai B'rith
1640 Rhode Island Avenue
Washington, D. C. 20036

Bread for the World
235 East 49th Street
New York City, New York 10017

Clergy & Laity Concerned
Human Rights Coordinating Center
1114 G Street, S. E.
Washington, D. C. 20003

Center for Civil Rights
University of Notre Dame
Notre Dame, Indiana 46556

Coalition for a New Foreign &
Military Policy
120 Maryland Avenue, N. E.
Washington, D. C. 20002

Commission for International Due Process
of Law
105 West Adams Street
Chicago, Illinois 60603

Court of Man Foundation
9595 Wilshire Blvd., # 805
Beverly Hills, Ca. 90212

Commission to Study the Organization
of Peace
866 United Nations Plaza
New York City, New York 10017

Friends Committee on National Legislation
245 Second Street, N. E.
Washington, D. C. 20003

Freedom House
20 West 40th Street
New York City, New York 10018

Fund for Human Rights, Inc.
112 East 19th Street
New York City, New York 10003

International Commission of Jurists
777 United Nations Plaza
New York City, New York 10017

International League for Human Rights
777 United Nations Plaza, Suite 6F
New York City, New York 10017

Liberty to the Captives
325 West Logan
Philadelphia, Pennsylvania 19144

Members of Congress for Peace through Law
201 Massachusetts Avenue, N. E.
Washington, D. C. 20002

Planetary Citizens
777 United Nations Plaza
New York City, New York 10017

United Nations Association
300 East 42nd Street
New York City, New York 10017

United States Institute of Human Rights
200 Park Avenue
New York City, New York 10017

World Federalists Association
Arlington Towers, Suite W-219
1011 Arlington Boulevard
Arlington, Virginia 22209

World Conference on Religion & Peace
777 United Nations Plaza
New York City, New York 10017

World Without War Council
67 East Madison
Chicago, Illinois 60603

175 Fifth Avenue
New York City, New York 10010

1730 Grove Street
Berkeley, California 94709

1514 N. E. 45th Street
Seattle, Washington 98105

1838 S. W. Jefferson
Portland, Oregon 97201

OTHER WORLD WITHOUT WAR PUBLICATIONS

1. World Disarmament Kit, Robert Woito (ed.), 120pp, 1977, $2.50 "...With a Special Session of the UN General Assembly now set for the spring of 1978, this kit is the right publication at the right time. It offers, in brief easily usable form, what is available nowhere else - background on a wide range of issues, specific proposals for reversing the nuclear and conventional arms race and a peace initiatives strategy for gaining the needed agreement of many powers."

2. World Hunger Crisis Kit, Robert Woito (ed.), 90pp, 1975, $1.50 A set of resources for study and action on world economic development issues.

3. Albert Camus, Neither Victims Nor Executioners, 64pp, 1969, $.95 Camus' classic essay rejecting the use of violence and arguing for the creation of a world community.

4. M.K. Gandhi, All Men Are Brothers, 196pp, 1972, $1.95 An anthology of Gandhi's writings on nonviolence, education, world peace and democracy set in the context of the articulation of nonviolent conflict techniques for forcing change while building a sense of community between antagonists.

5. Grenville Clark and Louis Sohn, Introduction to World Peace through World Law, with other essays, 120pp, 1971, $1.50 The classic essay introducing the components of a world legal system capable of achieving disarmament and resolving international conflict by judicial means.

6. Lincoln Bloomfield and others, The Power to Keep Peace, Today and in a World Without War, 1971, $2.95 A study of international peacekeeping past, present and future.

7. Policy Statement on Arms Control and Disarmament, 35pp, 1977, $.35 By the World Without War Issues Center - Midwest, this policy statement introduces the peace initiatives strategy and outlines over 30 peace initiatives.

8. The War Peace Film Guide, Lucy Dougall, 128pp, 1972, $1.50 The standard reference work on planning a well conceived war/peace film program.

9. Geoffrey Nuttall, Christian Pacifism in History, 128pp, 1971, $1.25 Introduces five different arguments for Christian Pacifism using historical sources.

10. Tom Dove and thirty law students, The Law and Political Protest, 128pp, 1970, $1.25 Examines and describes the wide-range of political activity protected by U.S. constitutional law.

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to engage mainstream organizations and institutions in appropriate work through their own constituencies to translate these ideas into national policy;

to offer, through national and regional centers of thought and activity, the catalytic, training, model-building, programming and coordinating services and resources needed;

to provide a continuing overview of peace efforts by voluntary organizations with the purpose of aiding in the development of common standards and priorities for more effective work;

to articulate the basic moral and political values which provide the motivation needed for a sustained engagement in that work.

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